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LEGISLATIVE HISTORY

Public Law 87-88
H. R. 6441

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INDEX AND SUMMARY OF H. R. 6441

- Jan. 5, 1961 Sen. Kerr and others introduced S. 120 which was referred to the Senate Public Works Committee. Print of bill as introduced and remarks of Sen. Kerr.
- Feb. 9, 1961 Sen. Humphrey and others introduced S. 861 which was referred to the Senate Public Works Committee. Print of bill as introduced and remarks of Sen. Humphrey.
- Apr. 18, 1961 Rep. Blatnik introduced H. R. 6441 which was referred to the House Public Works Committee. Print of bill as introduced.
- Apr. 25, 1961 House committee reported H. R. 6441 with amendments. H. Report No. 306. Print of bill and report.
- May 2, 1961 House Rules Committee reported a resolution for consideration of H. R. 6441. H. Res. 274 and H. Report No. 329. Print of resolution and report.
- May 3, 1961 House passed H. R. 6441 with amendments.
- May 4, 1961 H. R. 6441 was referred to the Senate Public Works Committee. Print of bill as referred.
- Jun. 1, 1961 Senate committee voted to report (but did not actually report S. 120).
- Jun. 7, 1961 Senate committee reported S. 120 with amendments. S. Report No. 353. Print of bill and report.
- Jun. 22, 1961 Senate passed H. R. 6441 with amendments.
- S. 120 was indefinitely postponed due to the passage of H. R. 6441.
- Senate conferees were appointed.
- Jun. 27, 1961 House conferees were appointed on H. R. 6441.
- Jun. 28, 1961 Conferees agreed to file a report.
- Jul. 6, 1961 House received conference report on H. R. 6441. H. Report No. 675. Print of conference report.
- Jul. 13, 1961 House agreed to conference report on H. R. 6441.
- Jul. 14, 1961 Senate agreed to conference report on H. R. 6441.
- Jul. 20, 1961 Approved: Public Law 87-88.

DIGEST OF PUBLIC LAW 87-88

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961. Increases the annual authorizations for Federal grants to help communities to construct sewage treatment plants. Authorizes \$5 million annually, with an overall limit of \$25 million, for development of new methods of sewage treatment. Authorizes the establishment of water-pollution demonstration and research facilities and requires that at least one laboratory be located in each of the following areas: Northeast, Middle Atlantic, South east, Midwest, Southwest, Pacific Northwest and Alaska. Authorizes Federal agencies constructing reservoirs to include capacity for water quality control. Directs HEW to make a study of water-puality needs and waste-disposal practices in the Great Lakes. Requires that water polluted by discharges from Federal facilities be included in any Federal report on pollution.

Jan. 5, 1961

33. TOBACCO. H. R. 1022, by Rep. Matthews, to amend the Agricultural Adjustment Act of 1938 to provide for lease and transfer of tobacco acreage allotments; to Agriculture Committee.
34. APPROPRIATIONS. H. Con. Res. 18, by Rep. Poff, relative to the exercise by the President of the United States of veto powers over items in certain bills; to Rules Committee.
35. LANDS. H. R. 1785, by Rep. Inouye, to require an act of Congress for public land withdrawals in excess of 5,000 acres in the aggregate for any project or facility of any department or agency of the Government; to Interior and Insular Affairs Committee.

BILLS INTRODUCED JANUARY 5

36. FOOD ALLOTMENT; FARM PROGRAM. S. 23, by Sen. Aiken (for himself and others), to safeguard the health, efficiency, and morale of the American people; to provide for improved nutrition through a more effective distribution of food supplies through a food allotment program; to assist in maintaining fair prices and incomes to farmers by providing adequate outlets for agricultural products; to prevent burdening and obstructing channels of interstate commerce; to promote the full use of agricultural resources; to Agriculture and Forestry Committee.
37. FARM LOANS. S. 34, by Sen. Young, N. Dak., to amend section 16(a) of title I of the Bankhead-Jones Farm Tenant Act, as amended, to permit loans insured thereunder to be insured for the full value of the farm, less any prior lien indebtedness; to Agriculture and Forestry Committee.
38. LANDS. S. 39, by Sen. Young, N. Dak., providing for the return to former owners of certain lands, including Indian tribal lands, acquired in connection with the Garrison Dam project of mineral interests in such lands.
39. SURPLUS PROPERTY. S. 53, by Sen. Goldwater, to amend the Federal Property and Administrative Services Act of 1949, as amended, to promote the welfare of the Indian tribes by making available to them surplus personal property; to Government Operations Committee.
40. WATER POLLUTION. S. 120, by Sen. Kerr (for himself and others), to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control; to Public Works Committee. Remarks of Sen. Kerr. p. 171
41. PRICES. S. 144, by Sen. Bush (for himself and Sen. Bennett), to amend the Employment Act of 1946 to make the maintenance of a reasonably stable price level an explicit aim of Federal economic policy; to Banking and Currency Committee. Remarks of Sen. Bush. pp. 171-2
42. MILK. S. 146, by Sen. Proxmire (for himself and others), to extend and increase the special milk program for children; to Agriculture and Forestry Committee. Remarks of Sen. Proxmire. pp. 172-3
43. FORESTS. S. 147, by Sen. Dirksen, to authorize the Secretary of Agriculture to develop a recreation area in connection with the Ahawnee National Forest in Pope County, Ill.; to Agriculture and Forestry Committee.

44. DEPRESSED AREAS. S. 1, by Sen. Douglas, et al, S. 6, by Sen. Scott, and S. 9, by Sen. Dirksen, et al, to establish an effective program to alleviate conditions of substantial and persistent unemployment and underemployment in certain economically distressed areas; to Banking and Currency Committee. Remarks of authors pp. 134-47, 147-8, 151-5, 157-63, 202, 206
45. RECREATION. S. 4, by Sen. Yarborough, to provide for the establishment of the Padre Island National Seashore; to Interior and Insular Affairs Committee. Remarks of author pp. 150-1
- S. 46, by Sens. Chavez and Anderson, to provide for the establishment and administration of basic public recreation facilities at the Elephant Butte and Caballo Reservoir areas, New Mexico; to Interior and Insular Affairs Committee.
- S. 105, by Sen. Anderson, to provide for the construction of recreation facilities in the Elephant Butte Reservoir area, N. Mex., to Interior and Insular Affairs Committee.
- S. 121, by Sen. Kerr, et al, to make the evaluation of recreational benefits resulting from the construction of any Federal water resources project an integral part of project planning; to Public Works Committee. Remarks p. 171
46. RECLAMATION. S. 13, by Sens. Engle and Kuchel, to provide for Federal assistance in the development of irrigation in connection with non-Federal municipal and industrial water projects; to Public Works Committee. Remarks of author pp. 165-6
- S. 175, by Sen. Moss, to amend the Colorado River Storage Project Act with respect to the protection of national parks and monuments under the provisions of such act; to Interior and Insular Affairs Committee. Remarks pp. 182-4
- Various other bills on reclamation: S. 14, by Sen. Bennett, S. 26, by Sen. Moss, S. 66, by Sens. Church and Dworshak (remarks of Sen. Church p. 168), S. 103, by Sens. Engle and Kuchel, S. 107, by Sens. Anderson and Chavez, S. 114, by Sens. Kerr and Monroney, and S. 117, by Sens. Kerr and Monroney; to Interior and Insular Affairs Committee.
47. WHEAT. S. 33, by Sen. Young, N. Dak., to remove wheat for seeding purposes which has been treated with poisonous substances from the "unfit for human consumption" category for the purposes of section 22 of the Agricultural Adjustment Act of 1933; to Agriculture and Forestry Committee.
- S. 35, by Sen. Young, N. Dak., relating to acreage allotments for Durum wheat; to Agriculture Committee.
- S. 37, by Sen. Young, N. Dak., to provide for the establishment of a Spring wheat quality research laboratory in the State of North Dakota; to Agriculture and Forestry Committee.
48. SALINE WATER. S. 22, by Sen. Case, S. Dak., S. 100, by Sen. Engle, and S. 109, by Sens. Anderson and Gruening, to expand and extend the saline water conversion program, etc.; to Interior and Insular Affairs Committee. Remarks of Sen. Engle pp. 168-70
49. LANDS. S. 111, by Sens Anderson et al, to authorize public land States to select certain public lands in exchange for land taken by the United States for military and other uses; to Interior and Insular Affairs Committee.
- S. 112, by Sens. Kerr and Monroney, to provide that the Secretary of the Army shall establish a national cemetery in Fort Reno, Okla., on certain lands presently under the jurisdiction of the Secretary of Agriculture; to Interior and Insular Affairs Committee.
- S. 115, by Sen. Kerr, to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands; to Interior and Insular Affairs Committee.

agencies. The report will reach the Congress this spring. The need for the Folsom South Canal to serve lands in Sacramento and San Joaquin Counties is urgent. Ultimately the Auburn Reservoir will be required to supply the water for the Folsom South Canal. Electric energy from the Auburn powerplant is needed as soon as possible in the Central Valley area.

The Auburn-Folsom South unit is a logical and feasible addition to the Central Valley project.

I ask unanimous consent that the bill may be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 103) to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom south unit, American River division, Central Valley project, California, under Federal reclamation laws, introduced by Mr. ENGLE (for himself and Mr. KUCHEL), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the principal purpose of increasing the supply of water available for irrigation and other beneficial uses in the Central Valley of California, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), is authorized to construct, operate and maintain, as an addition to, and an integral part of, the Central Valley project, California, the Auburn-Folsom South unit, American River division, in general accordance with plans of the Department of the Interior prepared pursuant to the Act of October 14, 1949 (63 Stat. 852) and adopted by the Secretary of the Interior on December 8, 1960. The works authorized to be constructed shall consist of—

(1) the Auburn Dam and Reservoir, a major storage reservoir having a storage capacity of approximately one million acre-feet, to be constructed on the American River near the city of Auburn, California;

(2) a hydroelectric powerplant at Auburn Dam with a generating capacity of approximately one hundred and sixty thousand kilowatts and necessary electric transmission system for inter-connection with the Central Valley project power system;

(3) a reservoir or reservoirs with necessary diversion works, conduits, and other appurtenant works of adequate capacity for the delivery of water supplies to approximately 15,000 acres of the Forest Hill Divide area in Placer County;

(4) Folsom South Canal and related operating structures, including pumping plants, regulating reservoirs, floodways, channels, levees, and other appurtenant works for the diversion and conveyance of water of the American River from an appropriate point upstream of Nimbus Dam on said river to such point in San Joaquin County as the Secretary of the Interior determines will best serve the needs of Sacramento and San Joaquin Counties, and in the construction of such canal and related operating structures, the Secretary is authorized to provide, in such manner as he deems necessary and economically feasible, for the future construction of the east side division of the Central Valley project, now under study as a means of providing supplemental water on the east side of the Southern San Joaquin Valley;

(5) Folsom-Malby Canal with necessary pumping plants and a regulatory reservoir of approximately twenty-five thousand acre-feet, located near Malby Crossing on Carson Creek six miles south of Folsom, California, to serve approximately ten thousand acres of land below an elevation of five hundred feet lying in Sacramento and El Dorado Counties.

SEC. 2. Subject to the provisions of this Act, the operation of the Auburn-Folsom South unit, American River division, shall be integrated and coordinated, from both a financial and an operational standpoint, with the operation of other features of the Central Valley project, as presently authorized and as may in the future be authorized by Act of Congress, in such manner as will effectuate the fullest, most beneficial, and most economic utilization of the water resources hereby made available. The Auburn Dam shall be operated for flood control in accordance with criteria established by the Secretary of the Army as provided for in section 7 of the Flood Control Act of 1944 (58 Stat. 887). Minimum basic facilities may be provided for the accommodation of the visiting public at Auburn Reservoir and its shoreland if responsible local interests agree to assume the operation and maintenance thereof. The costs of such facilities shall be nonreimbursable and nonreturnable.

SEC. 3. In locating and designating the works authorized for construction by the first section of this act, the Secretary of the Interior through the Commissioner of Reclamation shall give due consideration to the reports upon the California water plan prepared by the State of California, and shall consult the local interests to be affected by the construction and operation of said works through public hearings or in such manner as in his discretion may be found best suited to a maximum expression of the views of such local interests.

SEC. 4. Nothing contained in this act shall be construed by implication or otherwise as an allocation of water, and in the studies for the purposes of development plans for disposal of water as herein authorized the Secretary of the Interior shall make recommendations for the use of water in accord with State water laws, including but not limited to such laws giving priority to the counties and areas of origin for present and future needs.

SEC. 5. There are hereby authorized to be appropriated \$181 million, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the type of construction authorized in this act, and, in addition thereto, such sums as may be required to operate and maintain the Auburn-Folsom south unit.

PROGRAM OF WATER POLLUTION CONTROL AND EVALUATION OF RECREATIONAL BENEFITS FROM CONSTRUCTION OF FEDERAL WATER RESOURCES PROJECTS

Mr. KERR. Mr. President, I introduce, for appropriate reference, two bills. The first bill provides for a more effective program for water pollution control. The second bill makes the evaluation of recreational benefits resulting from the construction of any water resources project an integral part of project planning. I ask unanimous consent that these two bills may lie on the desk until following the opening of next Monday's session in order that other Senators who care to do so may join as authors of them.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will lie on the desk, as requested by the Senator from Oklahoma.

The bills introduced by Mr. KERR are as follows:

By Mr. KERR (for himself, Mr. CHAVEZ, Mr. MOSS, Mr. CASE of South Dakota, Mr. MORSE, Mr. MONRONEY, and Mrs. NEUBERGER):

S. 120. A bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution; to the Committee on Public Works.

By Mr. KERR (for himself, Mr. CHAVEZ, Mr. CASE of South Dakota, Mr. MONRONEY, Mr. COOPER, and Mrs. NEUBERGER):

S. 121. A bill to make the evaluation of recreational benefits resulting from the construction of any Federal water resources project an integral part of project planning, and for other purposes; to the Committee on Public Works.

AMENDMENT OF THE EMPLOYMENT ACT OF 1946

Mr. BUSH. Mr. President, on behalf of myself and the distinguished senior Senator from Utah [Mr. BENNETT], I introduce, for appropriate reference, a bill to amend the Employment Act of 1946 to make the maintenance of a reasonably stable price level an explicit aim of Federal economic policy.

Mr. President, I also submit, for appropriate reference, a concurrent resolution proposing an amendment to the Joint Rules of the House and Senate to give the President item veto powers over appropriation bills and nonappropriation bills which contain authorizations to borrow money directly from the Treasury.

I am privileged to have the distinguished senior Senator from Virginia [Mr. BYRD] and the distinguished senior Senator from Delaware [Mr. WILLIAMS] as cosponsors of the concurrent resolution.

Mr. President, I ask unanimous consent that the bill and the resolution may lie on the desk until the close of business next Tuesday, January 10, so that other Senators may join in sponsorship of either or both if they so desire.

Mr. President, I ask unanimous consent that an announcement I have made concerning the bill and the concurrent resolution may be printed in the RECORD after these remarks, followed by the texts of the two measures.

The PRESIDENT pro tempore. The bill and the concurrent resolution will be received and appropriately referred; and, without objection, the bill, the concurrent resolution, and the announcement will be printed in the RECORD at this point.

The bill (S. 144) to amend the Employment Act of 1946 to make the maintenance of a reasonably stable price level an explicit aim of Federal economic policy, introduced by Mr. BUSH (for himself and Mr. BENNETT), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That (a) section 2 of the Employment Act of 1946 is amended by deleting the final nine words and inserting in lieu thereof the following: "to promote maximum employment, production, and purchasing power, and to maintain a reasonably stable price level."

(b) Section 3(a) of such Act is amended by striking out "and (4)" and inserting in lieu thereof the following: "(4) current and foreseeable trends in price levels prevailing in the economy and the steps, if any, which have been taken to maintain a reasonably stable level of prices; and (5)."

(c) Section 4(a) of such Act is amended by deleting the final seven words of the second sentence and inserting in lieu thereof the following: "purchasing power, and to maintain a reasonably stable level of prices under free competitive enterprise."

(d) Section 4(c) (4) of such Act is amended by striking out "end purchasing power;" and inserting in lieu thereof the following: "Purchasing power, and a reasonably stable price level;".

The concurrent resolution (S. Con. Res. 2) giving the President of the United States the power to veto items in certain bills was received, referred to the Committee on Rules and Administration, and, under the rule, was ordered to be printed in the RECORD, as follows:

Resolved by the Senate (the House of Representatives concurring), That, effective on the first day of the second regular session of the Eighty-seventh Congress, the joint rule of the Senate and of the House of Representatives contained in section 138 of the Legislative Reorganization Act of 1946 is amended by adding at the end thereof the following new subsection:

"(c) No bill or joint resolution making appropriations or authorizing the borrowing of money directly from the Treasury shall be reported to or considered in either House unless it contains a section which shall read as follows: (1) in the case of any bill (or joint resolution) making an appropriation or (2) in the case of any bill (or joint resolution) authorizing the borrowing of money directly from the Treasury):

"(1) SEC. . . When this bill (or joint resolution) shall have been presented to the President as required by section 7 of article I of the Constitution, the President shall have power to disapprove any amount or any provision, whether or not related to an amount, which is contained herein, in the same manner as he may, under said section 7, disapprove as a whole any bill so presented to him. The provisions of said section 7 which relate to reconsideration shall also apply to any amount or provision or part thereof so disapproved to the same extent as they apply to a bill that has been disapproved in its entirety.

"(2) SEC. . . When this bill (or joint resolution) shall have been presented to the President as required by section 7 of article I of the Constitution, the President shall have power to disapprove any authorization for borrowing money directly from the Treasury, which is contained herein, in the same manner as he may, under said section 7 disapprove as a whole any bill so presented to him. The provisions of said section 7 which relate to reconsideration shall also apply to any authorization or part thereof so disapproved to the same extent as they apply to a bill that has been disapproved in its entirety."

The announcement presented by Mr. BUSH is as follows:

WASHINGTON, January 5.—U. S. Senator PRESCOTT BUSH introduced today two measures which he said were intended to help the Kennedy Administration combat inflation and to exercise fiscal responsibility in the National Government.

They were:

1. A price stability amendment to the Employment Act of 1946.

2. A concurrent resolution to give the President item veto power over appropriations bills, and bills authorizing direct borrowings from the Treasury.

Senator BUSH was joined in sponsorship of the price stability amendment by Senator WALLACE F. BENNETT, Republican, Utah, and in sponsorship of the item veto bill by Senators HARRY F. BYRD, Democrat, Virginia, Chairman of the Senate Finance Committee, and JOHN J. WILLIAMS, Republican, Delaware, the ranking minority member of that committee.

"The new administration will take office at a time when the United States faces a unique and disturbing crisis," said Senator BUSH, a member of the Senate Banking Committee and ranking minority member of the Joint Economic Committee of the Congress.

"The continued drain upon our gold reserves, resulting from a deficit in our international payments, has weakened confidence in the dollar.

"It is essential that the administration and Congress give first priority to reversing this dangerous trend, and to restoring full confidence in the credit of the United States. Upon that credit depends not only our economic strength, but also our military power, which must remain unquestioned in these times of tension and danger.

"We must make clear to the world our intention to avoid inflationary practices, and to adhere to sound fiscal policies.

The Employment Act is the basic congressional directive to Federal policymaking officials concerning national economic policy. The proposed amendment would add the maintenance of "a reasonably stable price level" to the act's present objectives of "maximum employment, production and purchasing power."

It would also require the President to include in his annual Economic Report to the Congress a statement of "current and foreseeable trends in price levels prevailing in the economy and the steps, if any, which have been taken to maintain a reasonably stable price level."

Both the price stability amendment and the bill to give the President item veto power were introduced in the previous Congress by Senator BUSH.

"It is unfortunate that the Congress did not see fit to act upon these recommendations when they were made by President Eisenhower," Senator BUSH said. "However, these are long overdue reforms which should not be the subject of partisanship. Now that a new administration is assuming office, I hope Congress will grant to the President-elect the added authority he will need to control inflation and keep our fiscal house in order."

PACIFIC INTERNATIONAL HOUSE

Mr. LONG of Hawaii. Mr. President, I introduce, for appropriate reference, a bill providing for an investigation by the Secretaries of State and Commerce of the feasibility of establishing in Honolulu a Pacific International House. This would be a center expressly designed to facilitate international trade. Its facilities would include exhibit space, offices and meeting rooms, multilingual secretarial and translation services, a foreign trade reference library and offices for operating a foreign trade zone.

This proposal builds upon the highly successful experience of New Orleans in operating a similar establishment. The New Orleans foreign trade zone, and International House and International Mart

have greatly stimulated our trade with Latin America, the commerce flowing throughout the Mississippi basin.

Similar facilities in Hawaii, I am confident, would significantly increase our trade with the nations of Asia and the Pacific basin. In Hawaii merchants from East and West can meet to their mutual advantage in a setting conducive to good business relations.

Since trade and political connections are so intimately related, I also see in the proposed Pacific International House an instrument for strengthening our bonds with the non-Communist nations of the Pacific area. This aspect of the proposed facility has led me to seek the recommendations of the Secretary of State, as well as those of the Secretary of Commerce.

For several years leaders of the Hawaii community have advocated the use of Honolulu's central position for an international business facility. Former Delegate John Burns has proposed creating a foreign trade zone. Lorin Thurston, editor of the Honolulu Advertiser, has repeatedly urged the establishment of an International House. This proposal, which also has the support of the Hawaii Chamber of Commerce, combines both ideas.

THE PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 145) to provide that the Secretaries of State and Commerce shall investigate and report to the Congress as to the feasibility of establishing a Pacific International House on Sand Island, Hawaii, introduced by Mr. LONG of Hawaii, was received, read twice by its title, and referred to the Committee on Foreign Relations.

SPECIAL MILK PROGRAM FOR CHILDREN

Mr. PROXMIRE. I am today introducing a bill to extend and increase the special milk program for children. I am joined in sponsorship of this measure by Senators AIKEN, CHURCH, HART, HUMPHREY, JAVITS, LONG of Missouri, MAGNUSON, MUNDT, SYMINGTON, TALMADGE, WILEY, YOUNG of North Dakota, MCCARTHY, PROUTY, KEATING, CARROLL, YOUNG of Ohio, KEFAUVER, YARBOROUGH, CARLSON, COOPER, and JACKSON.

This bill would extend the special milk program for children for 1 year beginning July 1, 1961 and would increase the funds available by \$10 million, from \$95 million to \$105 million. It would continue and enlarge a deservedly popular program, and it is fitting that it be presented to the Senate with wide cosponsorship at the first possible opportunity.

It is a special privilege for me at this point to welcome as a cosponsor of this bill the senior Senator from Minnesota and newly chosen majority whip, Senator HUMPHREY, who has been the principal sponsor and spokesman for this program since it was started in 1954. He has been the leader in getting the special milk program for children underway, and in making sure that it developed and grew into the fine, broad program we have today.

S. 120

IN THE SENATE OF THE UNITED STATES

JANUARY 5 (legislative day, JANUARY 4), 1961

Mr. KERR (for himself, Mr. CHAVEZ, Mr. MOSS, Mr. CASE of South Dakota, Mr. BENNETT, Mr. MONRONEY, Mrs. NEUBERGER, Mr. MORSE, Mr. RANDOLPH, Mr. YARBOROUGH, Mr. LONG of Missouri, and Mr. HART) introduced the following bill; which was read twice and referred to the Committee on Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 2 of the Federal Water Pollution Control Act
4 is amended by inserting “(a)” after “SEC. 2.” and by insert-
5 ing at the end of such section the following:

6 “(b) (1) Any Federal agency which, after the date
7 of enactment of this subsection, is initiating plans for any
8 reservoir or other water impoundment on interstate waters
9 shall notify the Surgeon General of the initiation of such
10 plans. The Surgeon General shall, in any case where it

1 would promote water pollution control in such waters, rec-
2 ommend storage needs, flow regulations, and other water
3 quality control features with respect to such reservoir or
4 impoundment which are necessary for such pollution control,
5 and shall recommend such features to such agency for incor-
6 poration wherever possible in such plans. Any report to
7 Congress recommending authorization of such plans shall
8 include any such recommendations by the Surgeon General
9 and the extent to which they were incorporated in the rec-
10 ommended plans.

11 “(2) It is the intent of Congress that benefits resulting
12 from water quality control features incorporated in any Fed-
13 eral reservoir or other impoundment under the provisions of
14 this Act shall be evaluated and the beneficiaries determined,
15 and if benefits are widespread or national in scope or if the
16 principal beneficiary is the general public in the area the
17 costs of such features should be nonreimbursable.”

18 SEC. 2. (a) Section 4 (a) of the Federal Water Pollu-
19 tion Control Act is amended by striking out “and” at the
20 end of clause (4), by striking out the period at the end of
21 clause (5) and inserting in lieu thereof a semicolon and
22 the word “and”, and by inserting at the end of such section
23 the following:

24 “(6) establish, equip, and maintain research and
25 field demonstration facilities, giving consideration in

1 establishing such facilities to locations which will facili-
2 tate cooperation with institutions of higher education,
3 and for the purposes of this clause (A) the Surgeon
4 General may acquire land and interests therein, accept
5 in the name of the United States donations of property,
6 real or personal, subject to such conditions as he may
7 deem appropriate, and utilize uncompensated services,
8 and (B) there is authorized to be appropriated not more
9 than \$10,000,000.”

10 (b) Section 4 of such Act is further amended by insert-
11 ing at the end thereof the following:

12 “(d) (1) In carrying out the provisions of this section
13 the Surgeon General shall develop and demonstrate under
14 varied conditions (including conducting such basic and ap-
15 plied research, studies, and experiments as may be
16 necessary) :

17 “(A) Practicable means of treating municipal sew-
18 age and other waterborne wastes to remove the maxi-
19 mum possible amounts of physical, chemical, and
20 biological pollutants in order to restore and maintain the
21 maximum amount of the Nation’s water at a quality
22 suitable for repeated reuse;

23 “(B) Improved methods and procedures to iden-
24 tify and measure the effects of pollutants on water uses,

1 including those pollutants created by new technological
2 developments; and

3 “(C) Methods and procedures for evaluating the
4 effects on water quality and water uses of augmented
5 streamflows to control water pollution not susceptible to
6 other means of abatement.

7 “(2) For the purposes of this subsection there is au-
8 thorized to be appropriated not more than \$5,000,000 for
9 any fiscal year, and the total sum appropriated for such pur-
10 poses shall not exceed \$25,000,000.”

11 SEC. 3. Section 5 (a) of the Federal Water Pollution
12 Control Act is amended by striking out “June 30, 1961,
13 \$3,000,000” and inserting in lieu thereof “June 30, 1966,
14 \$5,000,000”.

15 SEC. 4. Section 6 of the Federal Water Pollution Con-
16 trol Act is amended as follows:

17 (1) Clause (2) of subsection (b) of such section 6 is
18 amended to read as follows: “(2) except as otherwise pro-
19 vided in this clause, no grant shall be made for any project
20 in an amount exceeding 30 per centum of the estimated
21 reasonable cost thereof as determined by the Surgeon Gen-
22 eral, or in an amount exceeding \$400,000, whichever is the
23 smaller: *Provided*, That the grantee agrees to pay the re-
24 maining cost: *Provided further*, That no grant of more
25 than \$250,000 shall be approved for a project in any State

1 until all previously filed qualified applications from that
2 State and political subdivisions thereof for grants not ex-
3 ceeding \$250,000 have first been approved: *Provided*
4 *further*, That, in the case of a project which will serve more
5 than one municipality, the Surgeon General shall, on such
6 basis as he determines to be reasonable and equitable, allo-
7 cate to each municipality to be served by such project its
8 share of the estimated reasonable cost of such project, and
9 shall then apply the limitations provided in this clause (2)
10 to each such share as if it were a separate project to de-
11 termine the maximum amount of any grant which could be
12 made under this section with respect to each such share, and
13 the total of all the amounts so determined shall be the
14 maximum amount of the grant which may be made under
15 this section on account of such project;”.

16 (2) The third sentence of subsection (c) of such sec-
17 tion 6 is amended to read as follows: “Sums allotted to a
18 State under the preceding sentence which are not obligated
19 at the end of the fiscal year for which they were allotted be-
20 cause of a lack of projects which have been approved by a
21 State water pollution control agency under subsection
22 (b) (1) of this section or certified as entitled to priority
23 under subsection (b) (4) of this section, shall be reallocated
24 by the Surgeon General, on such basis as he determines rea-
25 sonable and equitable and in accordance with regulations

1 promulgated by him, to States having projects approved
2 under this section for which grants have not been made be-
3 cause of lack of funds. Any sum made available to a State
4 by reallocation under the preceding sentence shall be in addi-
5 tion to any funds otherwise allotted to such State under this
6 Act. The allotments of a State under the second and third
7 sentences of this subsection shall be available, in accordance
8 with the provisions of this section, for payments with respect
9 to projects in such State which have been approved under
10 this section.”

11 (3) Subsection (d) of such section 6 is amended by
12 striking out “\$50,000,000” and inserting in lieu thereof
13 “\$75,000,000”, and by striking out “\$500,000,000” and in-
14 serting in lieu thereof “\$750,000,000”.

15 (4) Section 6 is further amended by adding at the end
16 thereof the following new subsection:

17 “(f) The Surgeon General shall take such action as
18 may be necessary to insure that all laborers and mechanics
19 employed by contractors or subcontractors on projects for
20 which grants are made under this section shall be paid wages
21 at rates not less than those prevailing on the same type of
22 work on similar construction in the immediate locality, as

1 determined by the Secretary of Labor, in accordance with
2 the Act of March 3, 1931, as amended, known as the Davis-
3 Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through
4 276a-5).''

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

By Mr. KERR, Mr. CHAVEZ, Mr. MOSS, Mr. CASE
of South Dakota, Mr. BENNETT, Mr. MON-
RONEY, Mrs. NEUBERGER, Mr. MORSE, Mr.
RANDOLPH, Mr. YARBOROUGH, Mr. LONG of
Missouri, and Mr. HART

JANUARY 5 (legislative day, JANUARY 4), 1961
Read twice and referred to the Committee on Public
Works

34. RECREATION. S. 857, by Sen. Randolph, to authorize the Secretary of the Army to modify certain leases entered into for the provision of recreation facilities in reservoir areas; to Public Works Committee.

S. 857, by Sen. Saltonstall, to provide for establishment of Cape Cod National Seashore Park; to Interior and Insular Affairs Committee. Remarks of author pp. 1768-72

H. R. 4064, by Rep. Brademas, and H. R. 4107, by Rep. Green, to establish a Federal Recreation Service in the Department of Health, Education, and Welfare; to Education and Labor Committee.

35. FARM PROGRAM. H. R. 4051, by Rep. Adair, to free farmers from Government control; to Agriculture Committee.

H. R. 4133, by Rep. Latta, to establish a cropland adjustment program; to Agriculture Committee.

H. R. 4147, by Rep. Marshall, to amend section 416 of the Agricultural Act of 1949 (7U.S.C. 1431), as amended; to Agriculture Committee.

36. WATER POLLUTION. S. 861, by Sen. Humphrey, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control; to Public Works Committee. Remarks of author p. 1786

~~H. R. 4036, by Rep. Blatnik, H. R. 4037, by Rep. Smith, Miss., H. R. 4038, by Rep. Dingell, H. R. 4039, by Rep. Burke, Ky., H. R. 4040, by Rep. Davis, Tenn., H. R. 4041, by Rep. Fallon, H. R. 4042, by Rep. Green, Ore., H. R. 4043, by Rep. Kastenmeier, H. R. 4044, by Rep. Johnson, Calif., H. R. 4045, by Rep. Johnson, Wis., H. R. 4046, by Rep. Lankford, H. R. 4047, by Rep. Moss, H. R. 4048, by Rep. Price, H. R. 4049, by Rep. Rogers, Colo., H. R. 4050, by Rep. Ullman, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control; to Public Works Committee.~~

37. SMALL BUSINESS. S. 836, by Sen. Proxmire, to amend the Small Business Act; to Banking and Currency Committee. Remarks of author pp. 1759-60

S. 902, by Sen. Sparkman, to amend the Small Business Investment Act of 1958; to Banking and Currency Committee.

38. PERSONNEL. H. R. 4078, by Rep. Daniels, and H. R. 4086, by Rep. Fino, to provide for recognition of Federal employee unions and to provide procedures for the adjustment of grievances; to Post Office and Civil Service Committee.

S. 842, by Sen. Johnston, to amend Section 507 of the Classification Act of 1949, as amended, with respect to the preservation of basic compensation in downgrading actions; to Post Office and Civil Service Committee.

S. 889, by Sen. Moss, to amend the Federal Employees' Compensation Act Amendments of 1960 so as to extend for 4 years the period of retroactivity of certain amendments made by section 202 of such act; to Labor and Public Welfare Committee.

H. R. 4052, by Rep. Adair, to amend the Civil Service Retirement Act to grant the annuities of surviving spouses for the lifetimes of such spouses in certain cases; to Post Office and Civil Service Committee.

H. R. 4057, by Rep. Ashley, to amend section 6 of the Act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees; to Post Office and Civil Service Committee. Remarks of author pp. 1925-6

H. R. 4058, by Rep. Ashley, to permit withholding on the compensation of Federal employees for purposes of income taxes imposed by certain municipalities; to Ways and Means Committee.

H. R. 4061, by Rep. Barrett, to extend the application of the Classification Act of 1949 to certain positions in, and employees of, the executive branch of the Government; to Post Office and Civil Service Committee.

H. R. 4080, by Rep. Daniels, to amend the Civil Service Retirement Act of May 29, 1930, to permit the retirement on full annuities, without regard to age, of those officers and employees with 30 years or more of service; to Post Office and Civil Service Committee.

H. R. 4092, by Rep. Fino, to amend the Hatch Act to permit all officers and employees of the Government to exercise the full responsibility of citizenship and to take an active part in the political life of the United States; to House Administration Committee.

H. R. 4097, by Rep. Fulton, to amend the Civil Service Retirement Act to liberalize the standard for determining the earning capacity of disability annuitants and to permit the restoration of disability annuities in certain cases; to Post Office and Civil Service Committee.

H. R. 4099, by Rep. Fulton, to extend health benefits to the survivors of retiree annuitants who died before April 1, 1948; to Post Office and Civil Service Committee.

H. R. 4100, by Rep. Fulton, to make the civil service retirement and disability fund available for annuity benefits authorized by law; to Post Office and Civil Service Committee.

H. R. 4102, by Rep. Fulton, to amend the Civil Service Retirement Act, as amended, to provide annuities for surviving spouses without deduction from original annuities; to Post Office and Civil Service Committee.

39. MINERALS. S. 828, by Sen. Bennett, to encourage and stimulate the production and conservation of lead and zinc in the United States through research and development by authorizing the Secretary of the Interior to contract for lead and zinc research; to Interior and Insular Affairs Committee.
40. RIVER BASIN. S. 856, by Sen. Clark (for himself and others), to create a regional agency by intergovernmental compact for the planning, conservation, utilization, development, management and control of the water and related natural resources of the Delaware River Basin, for the improvement of navigation, reduction of flood damage, regulation of water quality, control of pollution, development of water supply, hydroelectric energy, fish and wildlife habitat and public recreational facilities, and defining the functions, powers and duties of such agency; to Public Works Committee. Remarks of Sen. Clark. pp. 1767-8
41. TRANSPORTATION. S. 867, by Sen. Case, N. J. (for himself and others), to establish a U. S. Department of Transportation; to Government Operations Committee. Remarks of Sen. Case. pp. 1787-9
42. CONSULTANTS. S. 884, by Sen. Magnuson, to authorize the Secretary of Commerce to procure the services of experts and consultants; to Interstate and Foreign Commerce Committee. Remarks of author. p. 1794
43. LAMB IMPORTS. S. 876, by Sen. McGee (for himself and Sen. Hickey), to provide for tariff import quotas on sheep, lambs, mutton, and lamb; to Finance Committee
44. BUILDINGS. S. 893, by Sen. Fulbright (for himself and Sen. Humphrey), to authorize the Administrator of General Services to assist in the planning and financing of the construction of county agricultural buildings; to Government Operations Committee.

The remaining portion of the bill would amend current legislation to make the present laws to protect livestock and poultry more applicable to any disease. It also would relieve some uncertainty as to the coverage of Department of Agriculture employees under the statutes prohibiting assault upon or interference with the work of certain Federal employees.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 860) to provide greater protection against the introduction and dissemination of diseases of livestock and poultry, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act unless the context indicates otherwise—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "animals" means all members of the animal kingdom including birds, whether domesticated or wild, but not including man.

(c) The term "United States" means the States, Puerto Rico, Guam, the Virgin Islands of the United States, and the District of Columbia.

(d) The term "interstate" means from a State or other area included in the definition of "United States" to or through any other State or other such area.

SEC. 2. (a) The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States: (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry; (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.

(b) Whereas the existence of any extremely dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such

disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: *Provided*, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.

(c) The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

(d) Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.

(e) No such payment shall be made by the Secretary for any animal, carcass, product, or article which knowingly has been moved or handled by the owner thereof or his agent in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or any law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

SEC. 3. The Secretary, in order to protect the health of the livestock or poultry of the Nation, may promulgate regulations requiring that railway cars; vessels; airplanes; trucks; and other means of conveyance; stockyards; feed, water, and rest stations; and other facilities, used in connection with the movement of animals into or from the United States, or interstate, be maintained in a clean and sanitary condition, including requirements for inspection, cleaning, and disinfection.

SEC. 4. The Secretary is authorized to promulgate regulations prohibiting or regulating the movement into the United States of any animals which are or have been affected with or exposed to any communicable animal disease, or which have been vaccinated or otherwise treated for any such disease, or which he finds would otherwise

be likely to introduce or disseminate a such disease, when he determines that such action is necessary to protect the livestock or poultry of the United States.

SEC. 5. Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any person or means of conveyance moving interstate upon probable cause to believe that such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States commissioner, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

SEC. 6. (a) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 1 through 5 of this Act shall be punished by a fine not exceeding \$1,000 or by imprisonment not exceeding one year, or both.

(b) The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

SEC. 7. Section 11 of the Act of May 29, 1884 (58 Stat. 734), as amended (21 U.S.C. 114a), is further amended by inserting the words "any communicable diseases of livestock or poultry, including, but not limited to," after the word "eradicate".

SEC. 8. (a) The first section of the Act of March 3, 1905 (33 Stat. 1264), as amended (21 U.S.C. 123), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the words "any animals", and by inserting after the word

"disease" the words "of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia".

(b) Sections 2, 3, and 4 of such Act (33 Stat. 1264, 1265), as amended (21 U.S.C. 124, 125, 126), are further amended by striking out the phrase "cattle or other livestock" each time such phrase appears in those sections and inserting in lieu thereof the words "quarantined animals".

Sec. 9. The first proviso under the heading "General Expenses, Bureau of Animal Industry" in the Act entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June Thirtieth, nineteen hundred and fifteen", approved June 30, 1914 (38 Stat. 419), as amended (21 U.S.C. 128), is further amended by striking out the phrase "cattle or other livestock" and inserting in lieu thereof the word "quarantined animals".

Sec. 10. Section 1114 of title 18 of the United States Code is amended by inserting after "wild birds and animals," the following: "any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases,".

Sec. 11. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

Sec. 12. The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is hereby repealed.

Sec. 13. If any provision of this Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

AMENDMENT OF WATER POLLUTION CONTROL ACT

Mr. HUMPHREY. Mr. President, on behalf of myself and the junior Senator from Minnesota [Mr. McCARTHY], I introduce a bill to amend the Water Pollution Control Act to provide for a more effective and enlarged program of water pollution control. This is a companion measure to one which is being offered today in the House of Representatives by Representative JOHN BLATNIK of Minnesota, Chairman of the Subcommittee on Rivers and Harbors of the Committee on Public Works.

The Water Pollution Control Act, as passed in 1956, authorizes Federal matching grants of \$50 million a year for 10 years to help communities construct needed sewage treatment plants. The Federal grant for any one project is limited to \$250,000, or 30 percent, whichever is smaller.

As Senators will recall, in the last Congress I joined with Representative BLATNIK in offering legislation to expand this grant program by increasing the annual authorization to \$100 million. Congress approved an increase in the annual authorization to \$90 million, but, unfortunately, President Eisenhower vetoed the bill. This bill will do what was sought to be done last year. I say "unfortunately" because I am firmly convinced that this program of joint

Federal-State effort has, beyond a shadow of a doubt, proven its worth.

Since the Federal grants program began in 1956 sewage treatment construction across the Nation has nearly doubled. In the preceding 5-year period, 1952-56, such construction averaged \$222 million annually. In 1957 construction awards totaled \$351 million; \$389 million in 1958; \$349 million in 1959, and an estimated \$350 million in 1960.

The Public Health Service itself estimates that even this construction rate is not adequate to meet the country's needs. Public Health Service estimates that the construction rate must be at least \$575 million annually for the next several years if we are to catch up with the backlog of needed sewage treatment construction programs and keep up with greater pollution loads resulting from increased population and industrial development.

The best argument for this Federal grant program is to simply cite the fine results that have been attained already under this program—after only 4 years of operation. And this increase in sewage treatment construction programs has taken place without the Federal Government encroaching upon the States. The Public Health Service, in administering this program of grants, has kept its hands off in deciding where the money will be spent; the States themselves have been making such decisions.

Mr. President, the Federal Water Pollution Control Act of 1956, has indeed been an outstanding success. It has demonstrated what the Federal and State Governments can accomplish by working together. The continuance and the expansion of such a program is, in my opinion, an absolute necessity.

This legislation is definitely in the public interest. It cannot be charged that this is a reckless expenditure of Federal funds. Its provisions are sound and designed to bring the sewage treatment program up to the minimum required level.

The bill which we are offering today in the Senate and in the House would amend the present act as follows:

1. FINANCIAL ASSISTANCE TO COMMUNITIES

First. Increase annual authorization for construction grants from \$50 million to \$125 million and total grant authorization from \$500 million to \$1,250 million.

Second. Increase maximum grants from 30 percent of the cost of the project, or \$250,000, whichever is smaller, to 30 percent of the cost, or \$600,000, whichever is smaller.

Third. Permit projects serving more than one municipality to receive a grant equal to the pro rata total of each project's allowable grant.

Fourth. Authorize reallocation of unused State allocations to States where applications for funds exceed regular allotment.

Fifth. Extend provisions of Davis-Bacon Act to projects receiving construction grants.

2. FEDERAL ENFORCEMENT PROCEDURES

First. Make all navigable waters and coastal waters subject to Federal abatement enforcement authority, whether or

not there is a showing of interstate pollution, if abatement action is requested by a State or a municipality with the concurrence of the State.

Second. Authorize the Secretary of Health, Education, and Welfare to issue final orders in enforcement actions.

Third. Make discharges from Federal installations subject to administrative findings and recommendations in Federal water pollution abatement actions conducted by the Department of Health, Education, and Welfare.

Fourth. Establish \$25 million enforcement construction grants fund to be available for financially hard-pressed communities required to construct treatment facilities as a result of Federal enforcement action, such funds to be available over and above the regular State allotment of construction grant funds.

3. RESEARCH

First. Authorize establishment of field laboratory and research facilities for expanded water pollution control research activities, including the establishment of regional laboratories in different sections of the country.

Second. Authorize special study of Great Lakes pollution problems.

4. STATE AND FEDERAL ADMINISTRATION

First. Retain State's primary rights and responsibilities for the control of water pollution.

Second. Extend the provision for Federal grants to State and interstate water pollution control agencies for administration of their programs and increase Federal participation from \$3 million to \$5 million.

Third. Establish independent Water Pollution Control Administration within Department of Health, Education, and Welfare to administer Federal water pollution control program and activities.

Mr. President, I ask unanimous consent that this bill remain at the desk until February 16 to permit additional cosponsors who may wish to join on this measure.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Minnesota.

The bill (S. 861) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, introduced by Mr. HUMPHREY (for himself and Mr. McCARTHY), was received, read twice by its title, and referred to the Committee on Public Works.

OLD FORT DAVIS, TEX.

Mr. YARBOROUGH. Mr. President, in the rugged grandeur of the Davis Mountains, in Jeff Davis County, Tex., stand the ruins of historic Old Fort Davis, Tex. For more than a quarter century, from the time of its founding in 1854, soldiers barracked at this frontier outpost, fought off Apache uprisings, and as best they could protected the widely separated ranches and the "forty-niners" who were traveling overland on their way to California.

S. 861

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 1961

Mr. HUMPHREY (for himself, Mr. McCARTHY, Mr. MOSS, Mrs. NEUBERGER, Mr. CLARK, Mr. LONG of Missouri, Mr. MORSE, Mr. WILLIAMS of New Jersey, and Mr. PELL) introduced the following bill; which was read twice and referred to the Committee on Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) the Federal Water Pollution Control Act is
4 amended by redesignating sections 2 through 14 as sec-
5 tions 3 through 15, respectively, and by inserting after
6 section 1 the following new section:

7 “FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,

8 “SEC. 2. There is hereby established within the De-
9 partment of Health, Education, and Welfare a Federal
10 Water Pollution Control Administration (herein referred
11 to as the ‘Administration’). The Administration shall be

1 headed by a Commissioner of Water Pollution Control
2 (herein referred to as the 'Commissioner') who shall be
3 subject to the supervision of the Secretary of Health, Edu-
4 cation, and Welfare. The Commissioner shall be appointed
5 by the President by and with the consent of the Senate
6 and shall receive compensation at the rate of \$20,000 per
7 annum. There also shall be three Assistant Commission-
8 ers of Water Pollution Control who shall receive compen-
9 sation at the same rate as that provided for grade GS-18 of
10 the General Schedule of the Classification Act of 1949.
11 To carry out the policy declared in section 1 (a), the Com-
12 missioner shall administer this Act through the Adminis-
13 tration under the supervision and direction of the Secre-
14 tary of Health, Education, and Welfare."

15 (b) Section 1 (a) of such Act is amended by striking
16 out the last sentence.

17 SEC. 2. (a) The sections of the Federal Water Pollution
18 Control Act herein redesignated as sections 3, 4, 5, 6, 7, 8,
19 and 11 are each amended by striking out "Surgeon General"
20 wherever it appears and inserting in lieu thereof "Commis-
21 sioner".

22 (b) The section of such Act herein redesignated as sec-
23 tion 6 (g) (2) is amended by striking out "Surgeon Gen-
24 eral's" and inserting in lieu thereof "Commissioner's".

25 (c) The sections of such Act herein redesignated as sec-

1 tions 5 (a) , 8 (c) , and 11 (a) are each amended by striking
2 out “Public Health Service” wherever it appears and insert-
3 ing in lieu thereof “Administration”.

4 SEC. 3. The section of the Federal Water Pollution Con-
5 trol Act herein redesignated as section 5 is amended by strik-
6 ing out the proviso in paragraph (4) of subsection (a) , and
7 by adding at the end thereof the following new subsections:

8 “(d) The Commissioner shall establish, equip, and
9 maintain field laboratory and research facilities, including,
10 but not limited to, one to be located in the northeastern
11 area, one in the midwestern area, one in the southwestern
12 area, and one in the Pacific Northwest, and one sub-
13 regional facility in the State of Alaska; and, at such
14 facilities, conduct research, investigations, experiments, field
15 demonstrations and studies, and training relating to the pre-
16 vention and control of water pollution. Insofar as practi-
17 cable, each such facility shall be established at a point where
18 graduate training in such research might be carried out.
19 For the purposes of this subsection, the Commissioner is
20 authorized—

21 “(1) to acquire land and interests therein, to accept
22 in the name of the United States donations of any prop-
23 erty, real or personal, to any facility established pursuant
24 to this subsection (and any such donation to one of such

1 facilities shall not be available for use by any other of
2 such facilities), and to utilize voluntary or uncompen-
3 sated services at such facilities; and

4 “(2) to cooperate with other departments and
5 agencies of the Federal Government, with States, State
6 agricultural experiment stations, and other State agencies
7 and institutions, and with counties, municipalities, busi-
8 ness or other organizations, corporations, associations,
9 universities, scientific societies, and individuals, upon
10 such terms and conditions as he may prescribe.

11 “(e) The Commissioner shall conduct research and
12 technical development work, and make careful studies, with
13 respect to the quality of the waters of the Great Lakes,
14 including an analysis of the present and projected future
15 water quality of the Great Lakes under varying conditions
16 of waste treatment and disposal, an evaluation of the water
17 quality needs of those to be served by such waters, an
18 evaluation of municipal, industrial, and vessel waste treat-
19 ment and disposal practices with respect to such waters,
20 and a study of alternate means of solving water pollution
21 problems (including additional waste treatment measures)
22 with respect to such waters. In carrying out this subsection,
23 the Commissioner is authorized—

24 “(1) to engage, by noncompetitive contract or
25 otherwise, chemists, physicists, engineers, and such other

1 personnel as may be deemed necessary and any educa-
2 tional institutions, scientific organizations, or industrial
3 or engineering firms deemed suitable to do any part of
4 the research and other work, and, to the extent appro-
5 priate, to correlate and coordinate the research and devel-
6 opment work of such educational institutions, scientific
7 organizations, and industrial and engineering firms;

8 “(2) to accept financial and other assistance from
9 any State, or other public authority, agency, private
10 agency, institution, or individual in connection with re-
11 search and other work relating to the prevention and
12 control of water pollution, and with respect to such
13 assistance to enter into contracts which shall detail the
14 purpose for which the assistance is contributed. Any
15 funds so contributed shall be available for use by the Com-
16 missioner in like manner as if they had been specifically
17 appropriated for the purposes for which they are con-
18 tributed and any funds not expended for these purposes
19 shall be returned to the source from which they were
20 received; and

21 “(3) to acquire, by purchase, license, lease, or do-
22 nation, secret processes, technical data, inventions, patent
23 applications, patents, leased land and interests in land
24 (including water rights and leasehold interests), plants,
25 and facilities.”

1 SEC. 4. Subsection (a) of the section of the Federal
2 Water Pollution Control Act herein redesignated as section
3 6 is amended by striking out “There are hereby authorized
4 to be appropriated for the fiscal year ending June 30, 1957,
5 and for each succeeding fiscal year to and including the fiscal
6 year ending June 30, 1961, \$3,000,000” and by inserting in
7 lieu thereof “There is hereby authorized to be appropriated
8 for each fiscal year the sum of \$5,000,000”.

9 SEC. 5. (a) Subsection (b) (2) of the section of the
10 Federal Water Pollution Control Act herein redesignated
11 as section 7 is amended by striking out “\$250,000” and in-
12 serting in lieu thereof “\$600,000”.

13 (b) Subsection (b) (2) of such section is further
14 amended by inserting before the semicolon at the end thereof
15 the following: “: *Provided further*, That in the case of a
16 project which will serve more than one municipality (A) the
17 Commissioner shall, on such basis as he determines to be
18 reasonable and equitable, allocate to each municipality to be
19 served by such project its share of the estimated reasonable
20 cost of such project, shall then apply the foregoing limita-
21 tions in this clause to each such share as if it were a sepa-
22 rate project to determine the maximum amount of any grant
23 which may be made under this section with respect to such

1 project, and (B) for purposes of the limitation in the last
2 sentence of subsection (d), the share of each municipality
3 so determined shall be regarded as a grant for the construc-
4 tion of treatment works”.

5 (c) The third sentence of subsection (c) of such
6 section is amended by striking out the final period and
7 inserting in lieu thereof the following: “, except that any
8 such allotment which is not obligated within six months
9 following the end of the fiscal year for which it was made
10 because of a lack of projects which have been approved
11 under subsection (b) (1) of this section, or certified as
12 entitled to priority under subsection (b) (4) of this sec-
13 tion, shall be reallocated by the Commissioner, on such basis
14 as he determines reasonable and equitable and in accord-
15 ance with regulations promulgated by him. Any amount
16 made available to a State by reallocations under the pre-
17 ceding sentence shall be in addition to amounts other-
18 wise allotted to such State under this section, and shall
19 be available for payments with respect to projects in such
20 State which have been approved under this section prior
21 to the close of the fiscal year following the year for which
22 the original allotment was made.”

23 (d) Subsection (d) of such section is amended by strik-

1 ing out “\$50,000,000” and inserting in lieu thereof “\$125,-
2 000,000”, and by striking out “\$500,000,000” and inserting
3 in lieu thereof “\$1,250,000,000”.

4 (e) Such section is further amended by adding at the
5 end thereof the following new subsection:

6 “(f) The Commissioner shall take such action as may
7 be necessary to insure that all laborers and mechanics em-
8 ployed by contractors or subcontractors on projects for which
9 grants are made under this section shall be paid wages at
10 rates not less than those prevailing on the same type of work
11 on similar construction in the immediate locality, as deter-
12 mined by the Secretary of Labor, in accordance with the Act
13 of March 3, 1931, as amended, known as the Davis-Bacon
14 Act (46 Stat. 1494; 40 U.S.C. 276a through 276a-5).”

15 SEC. 6. The first sentence of subsection (a) (1) of the
16 section of the Federal Water Pollution Control Act herein
17 redesignated as section 8 is amended to read as follows:
18 “There is hereby established in the Department of Health,
19 Education, and Welfare, a Water Pollution Control Ad-
20 visory Board, composed of the Commissioner or his designee,
21 who shall be chairman, and nine members appointed by the
22 President none of whom shall be Federal officers or em-
23 ployees.”

24 SEC. 7. The section of the Federal Water Pollution Con-

1 trol Act herein redesignated as section 9 is amended to read
2 as follows:

3 “ENFORCEMENT MEASURES AGAINST POLLUTION OF
4 NAVIGABLE WATERS

5 “SEC. 9. (a) The pollution of navigable waters in or
6 adjacent to any State or States (whether the matter causing
7 or contributing to such pollution is discharged directly into
8 such waters or reaches such waters after discharge into a
9 tributary of such waters), which endangers the health or
10 welfare of any persons, shall be subject to abatement as
11 provided in this Act.

12 “(b) Consistent with the policy declaration of this Act,
13 State and interstate action to abate pollution of navigable
14 waters shall be encouraged and shall not be displaced by
15 Federal enforcement action except as otherwise provided by
16 or pursuant to a final order issued in accordance with sub-
17 section (e) of this section or a court order under subsection
18 (g) of this section.

19 “(c) (1) Whenever requested by either the Governor of
20 any State, or a State water pollution control agency, or (with
21 the concurrence of the Governor or of the State water pollu-
22 tion control agency for the State in which the municipality is
23 situated) the governing body of any municipality, the Com-

1 missioner shall give formal notification of any water pollution
2 to the water pollution control agency and interstate agency,
3 if any, of the State or States where the discharge or dis-
4 charges causing or contributing to such water pollution
5 originate and shall call promptly a conference of the State
6 water pollution control agency and interstate agency, if any,
7 of the State or States where the discharge or discharges
8 causing or contributing to such pollution originate and of the
9 State or States, if any, which may be adversely affected by
10 such pollution. Whenever the Commissioner, on the basis
11 of reports, surveys, or studies, has reason to believe that pol-
12 lution referred to in subsection (a) is endangering the health
13 or welfare of persons in a State other than that in which the
14 discharge originates is occurring, he may call such a con-
15 ference on his own initiative.

16 “(2) The agencies called to attend such conference may
17 bring such persons as they desire to the conference. Not
18 less than three weeks’ prior notice of the conference date
19 shall be given to such agencies.

20 “(3) Following this conference, the Commissioner shall
21 prepare and forward to all the water pollution control agen-
22 cies attending the conference a summary of conference
23 discussions including (A) occurrence of pollution of navi-
24 gable waters subject to abatement under this Act; (B)
25 adequacy of measures taken toward abatement of the pollu-

1 tion; and (C) nature of delays, if any, being encountered
2 in abating the pollution.

3 “(d) If the Commissioner believes, upon the conclusion
4 of the conference or thereafter, that effective progress toward
5 abatement of such pollution is not being made and that the
6 health or welfare of any persons is being endangered, he shall
7 recommend to the appropriate State water pollution control
8 agency that it take necessary remedial action. The Com-
9 missioner shall allow at least six months from the date he
10 makes such recommendations for the taking of such rec-
11 ommended action.

12 “(e) If at the conclusion of such six-month period
13 such remedial action is not taken or action which in the
14 judgment of the Commissioner is reasonably calculated to
15 secure abatement of such pollution is not taken, the Sec-
16 retary of Health, Education, and Welfare shall call a public
17 hearing, to be held in or near one or more of the places
18 where the discharge or discharges causing or contributing to
19 such pollution originated, before a Hearing Board of
20 five or more persons appointed by the Secretary. Each State
21 in which any discharge causing or contributing to such pollu-
22 tion originates and each State claiming to be adversely
23 affected by such pollution shall be given an opportunity to
24 select one member of the Hearing Board and at least one
25 member shall be a representative of the Department of

1 Commerce, and not less than a majority of the Hearing
2 Board shall be persons other than officers or employees of
3 the Department of Health, Education, and Welfare. At
4 least three weeks' prior notice of such hearing shall be
5 given to the State water pollution control agencies and in-
6 terstate agencies, if any, called to attend the aforesaid hear-
7 ing and the alleged polluter or polluters. Notwithstanding
8 the preceding sentence any person alleged to be discharg-
9 ing matter contributing to the pollution, abatement of which
10 is sought, may be joined as a party to such hearing if the
11 fact of such alleged pollution does not become known until
12 after such notice has been given. On the basis of the evi-
13 dence presented at such hearing, the Hearing Board shall
14 make findings as to whether pollution referred to in sub-
15 section (a) is occurring and whether effective progress to-
16 ward abatement thereof is being made. If the Hearing Board
17 finds such pollution is occurring and effective progress toward
18 abatement is not being made it shall make recommendations
19 to the Secretary of Health, Education, and Welfare concern-
20 ing the measures, if any, which it finds to be reasonable and
21 equitable to secure abatement of such pollution. Such find-
22 ings and recommendations shall be the findings and recom-
23 mendations of the Secretary except to the extent, on the basis
24 of the evidence at such hearing, he believes additional or
25 different findings or recommendations are warranted. The

1 Secretary shall send his findings and recommendations to the
2 person or persons discharging any matter causing or con-
3 tributing to such pollution, together with an order specifying
4 a reasonable time but not less than six months from
5 date of issuance of such order to secure abatement of such
6 pollution in accordance with such findings and recom-
7 mendations. Such order shall become final on the sixtieth
8 day after the date of its issuance. The Secretary shall also
9 send a copy of such findings and recommendations and such
10 order to the water pollution control agencies and interstate
11 agencies, if any, attending the hearings.

12 “(f) An appeal may be taken from any such order of
13 the Secretary of Health, Education, and Welfare by any
14 person who has been made subject to such order to the
15 United States court of appeals for the circuit in which any
16 discharge or discharges causing or contributing to the pollu-
17 tion subject to abatement by such order originates by filing
18 with such court a notice of appeal within sixty days from the
19 date of issuance of the order. The jurisdiction of the court
20 shall attach upon the filing of such notice. A copy of such
21 notice shall forthwith be transmitted by the clerk of the court
22 to the Secretary or any officer designated by him for that pur-
23 pose and to any other person who received a copy of the Sec-
24 retary’s order. The Secretary shall thereupon file in the court
25 the record of the proceedings before the Hearing Board as

1 provided in section 2112 of title 28, United States Code, to-
2 gether with his findings of fact and recommendations. Such
3 findings of the Secretary, if supported by substantial evidence
4 when considered on the record as a whole, shall be conclusive,
5 but the court for good cause shown may remand the case to
6 the Secretary for the taking of additional evidence in such
7 manner and upon such terms and conditions as the court may
8 deem proper. The Secretary may thereupon make or cause
9 to be made new or modified findings of fact and recom-
10 mendations, and he shall file with the court the record of
11 such further proceedings, the new or modified findings and
12 recommendations, and his recommendations, if any, for the
13 setting aside or modification of his original order. Such new
14 or modified findings shall likewise be conclusive if supported
15 by substantial evidence when considered on the record as a
16 whole.

17 “(g) Upon the basis of the record of the proceedings
18 filed with it, the court shall have jurisdiction to enter an
19 order affirming or setting aside, in whole or in part, the
20 order of the Secretary of Health, Education, and Welfare.
21 The judgment of the court shall be final, subject to review
22 by the Supreme Court of the United States upon certiorari
23 or certification as provided in section 1254 of title 28 of
24 the United States Code.

25 “(h) The United States district courts shall have jurisdic-

1 tion of any civil action brought by the Attorney General
2 at the request of the Secretary of Health, Education, and
3 Welfare to enforce any order issued under this section by
4 the Secretary of Health, Education, and Welfare, or by a
5 United States Court of Appeals.

6 “(i) As used in this section, the term ‘person’ includes
7 an individual, corporation, partnership, association, State,
8 municipality, and political subdivision of a State.

9 “(j) As used in this section, the term ‘municipality’
10 means a city, town, borough, county, parish, district, or
11 other public body created by or pursuant to State law.

12 “(k) There is hereby created an Enforcement Construc-
13 tion Grant Fund. Such Fund shall not exceed \$25,000,000.
14 The Commissioner is authorized to make grants from such
15 Fund subject to the same limitations as are applicable to
16 grants made under section 7 of this Act but without regard to
17 State allocations or the provisions of section 7 (b) (4).
18 Such grants may be made, where financial need is demon-
19 strated to the satisfaction of the Commissioner, to any State,
20 municipality, or interstate agency requested or required by
21 the Commissioner or the Secretary to construct remedial
22 facilities after a conference, hearing, or court action. No
23 projects receiving grants from funds appropriated pursuant
24 to section 7 of this Act shall receive any moneys from such
25 Grant Fund.”

1 SEC. 8. The section of the Federal Water Pollution Con-
2 trol Act herein redesignated as section 10 is amended by
3 adding at the end thereof the following new sentences: "In
4 his summary of any conference pursuant to section 9 (c) (3)
5 of this Act, the Commissioner shall include references to
6 any discharges allegedly contributing to pollution from any
7 Federal property. Notice of any hearing pursuant to section
8 9 (e) involving any pollution alleged to be affected by any
9 such discharges shall also be given to the Federal agency
10 having jurisdiction over the property involved and the find-
11 ings and recommendations of the Hearing Board conducting
12 such hearing shall also include references to any such dis-
13 charges which are contributing to the pollution found by
14 such Hearing Board."

15 SEC. 9. The sections of the Federal Water Pollution
16 Control Act herein redesignated as section 12 is amended
17 by striking out subsections (d) and (e) and inserting in
18 lieu thereof the following:

19 "(d) The term 'State' means a State, the District of
20 Columbia, the Commonwealth of Puerto Rico, the Virgin
21 Islands, and Guam.

22 "(e) The term 'interstate waters' means all rivers, lakes,
23 and other waters that flow across or form a part of State
24 boundaries, including coastal waters."

25 SEC. 10. The section of the Federal Water Pollution

1 Control Act herein redesignated as section 13 is amended by
2 inserting “(a)” immediately before “This Act”, and by
3 adding at the end thereof the following new subsection:

4 “(b) Nothing in this Act shall be construed as im-
5 pairing or in any manner affecting any right or jurisdiction
6 of the States with respect to the waters of such States, includ-
7 ing but not limited to the power, authority, and jurisdiction
8 of such States to enforce State water pollution control laws
9 and regulations.”

10 SEC. 11. All regulations in effect on the date of enact-
11 ment of this Act relating to water pollution control ad-
12 ministered by the Department of Health, Education, and
13 Welfare shall remain in effect until otherwise amended or
14 revoked.

15 SEC. 12. In the case of any discharge or discharges caus-
16 ing or contributing to water pollution with respect to which
17 the actions of the Surgeon General or the Secretary pre-
18 scribed under section 8 of the Federal Water Pollution
19 Control Act, as in effect prior to the enactment of this Act,
20 have already been completed prior to such enactment, the
21 provisions of such section as so in effect shall continue to be
22 applicable until the pollution caused by such discharge or
23 discharges has been abated.

24 SEC. 13. References in any other Federal law to pro-
25 visions of the Federal Water Pollution Control Act re-

1 designated by this Act shall be deemed to be references
2 to such provisions as so redesignated.

3 SEC. 14. Section 5 of this Act shall take effect on the
4 date of enactment of this Act. The remainder of this Act
5 shall take effect on such date not later than ninety days
6 after the date of enactment of this Act as the President
7 shall prescribe.

8 SEC. 15. This Act may be cited as the “Federal Water
9 Pollution Control Act Amendments of 1961”.

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

By Mr. HUMPHREY, Mr. McCARTHY, Mr. MOSS,
Mrs. NEUBERGER, Mr. CLARK, Mr. LONG of
Missouri, Mr. MORSE, Mr. WILLIAMS of New
Jersey, and Mr. PELL

FEBRUARY 9, 1961

Read twice and referred to the Committee on Public
Works

87TH CONGRESS
1ST SESSION

H. R. 6441

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 1961

Mr. BLATNIK introduced the following bill; which was referred to the Committee on Public Works

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) the last sentence of section 1(a) of the Fed-
4 eral Water Pollution Control Act (33 U.S.C. 466(a)) is
5 amended to read as follows: "To this end, the Secretary of
6 Health, Education, and Welfare (hereinafter in this Act
7 called the 'Secretary') shall administer this Act."

8 (b) Section 1(b) of such Act is amended to read as
9 follows:

10 “(b) Nothing in this Act shall be construed as impairing
11 or in any manner affecting any right or jurisdiction of the

1 States with respect to the waters of such States, including
2 but not limited to the power, authority, and jurisdiction of
3 such States to enforce State water pollution control laws and
4 regulations.”

5 (c) Sections 2, 3, 4, 5, 6, 7, and 8 and the first
6 sentence of section 10 (a) of such Act are each amended
7 by striking out “Surgeon General” and “Surgeon Gen-
8 eral’s” wherever they appear therein and inserting in lieu
9 thereof “Secretary” and “Secretary’s”, respectively.

10 (d) Sections 4 (a) and 7 (c) of such Act are each
11 amended by striking out “Public Health Service” and in-
12 serting in lieu thereof “Department of Health, Education,
13 and Welfare”.

14 (e) Sections 7 (a) (2) (B) and 10 (b) are each
15 amended by striking out “Secretary of Health, Education,
16 and Welfare” and inserting in lieu thereof “Secretary”.

17 (f) Section 10 (a) of such Act is amended by striking
18 out the second and third sentences thereof.

19 SEC. 2. (a) Subsection (a) of section 4 of the Federal
20 Water Pollution Control Act is amended by striking out in
21 paragraph (4) thereof the following: “: *Provided*, That the
22 total sum authorized to be appropriated for any fiscal year
23 for fellowships pursuant to this subparagraph shall not ex-
24 ceed \$100,000; and”.

25 (b) Paragraph (5) of subsection (a) of section 4 is

1 amended by striking out the period at the end thereof and
2 inserting in lieu thereof the following: “; and”.

3 (c) Section 4 is further amended by adding at the end
4 thereof the following new subsections:

5 “(d) The Secretary shall establish, equip, and maintain
6 field laboratory and research facilities, including, but not lim-
7 ited to, one to be located in the northeastern area of the
8 United States, one in the southeastern area, one in the mid-
9 western area, one in the southwestern area, one in the Pa-
10 cific Northwest, and one in the State of Alaska, for the con-
11 duct of research, investigations, experiments, field demon-
12 strations and studies, and training relating to the prevention
13 and control of water pollution. Insofar as practicable, each
14 such facility shall be located near institutions of higher learn-
15 ing in which graduate training in such research might be
16 carried out.

17 “(e) The Secretary shall conduct research and techni-
18 cal development work, and make studies, with respect to
19 the quality of the waters of the Great Lakes, including an
20 analysis of the present and projected future water quality
21 of the Great Lakes under varying conditions of waste treat-
22 ment and disposal, an evaluation of the water quality needs
23 of those to be served by such waters, an evaluation of municipi-
24 pal, industrial, and vessel waste treatment and disposal prac-
25 tices with respect to such waters, and a study of alternate

1 means of solving water pollution problems (including addi-
2 tional waste treatment measures) with respect to such
3 waters.”

4 SEC. 3. (a) Subsection (a) of section 5 of the Federal
5 Water Pollution Control Act is amended by inserting im-
6 mediately following “June 30, 1961, \$3,000,000” the fol-
7 lowing: “, and for each succeeding fiscal year to and in-
8 cluding the fiscal year ending June 30, 1971, \$5,000,000”.

9 (b) Subsection (f) of section 5 of the Federal Water
10 Pollution Control Act is amended by striking out “and” at
11 the end of paragraph 4 thereof, by striking out the period
12 at the end of paragraph 5 thereof and inserting in lieu thereof
13 the following: “, and” and by adding after such paragraph
14 5 the following new paragraph:

15 “(6) sets forth the criteria used by the State in
16 determining priority of projects as provided in section
17 6 (b) (4).”

18 SEC. 4. (a) Subsection (b) (2) of section 6 of the
19 Federal Water Pollution Control Act is amended to read as
20 follows:

21 “(2) No grant shall be made for any project in an amount
22 exceeding whichever of the following is the smaller: (A)
23 \$800,000, or (B) the total of 30 per centum of the first
24 \$1,000,000 of the reasonable cost of the project as deter-
25 mined by the Secretary, plus 15 per centum of the next

1 \$2,000,000 of such cost, plus 10 per centum of the remainder
2 of such cost: *Provided*, That the grantee agrees to pay the
3 remaining cost: *Provided further*, That in the case of a
4 project which will serve more than one municipality (A)
5 the Secretary shall, on such basis as he determines to be
6 reasonable and equitable, allocate to each municipality to be
7 served by such project its share of the estimated reasonable
8 cost of such project, and shall then apply the foregoing
9 limitations in this clause to each such share as if it were a
10 separate project to determine the maximum amount of any
11 grant which may be made under this section with respect to
12 each such share, and the total of all the amounts so deter-
13 mined or \$2,400,000, whichever is the smaller, shall be the
14 maximum amount of the grant which may be made under
15 this section on account of such project, and (B) for purposes
16 of the limitation in the last sentence of subsection (d), the
17 share of each municipality so determined shall be regarded as
18 a grant for the construction of treatment works”.

19 (b) Subsection (b) of such section is further amended
20 by striking out “and” after clause (3) and by inserting
21 before the period at the end of clause (4): “; and (5)
22 no grant shall be made for any project under this section
23 in any State in an amount exceeding \$250,000 until a grant
24 has been made thereunder for each project (A) for which
25 an application was filed with the appropriate State water

1 pollution control agency prior to the date of enactment of
2 this clause and (B) which the Secretary determines met
3 the requirements of this section and regulations thereunder
4 as in effect prior to such date of enactment”.

5 (c) The third sentence of subsection (c) of such section
6 is amended by striking out the final period and inserting in
7 lieu thereof the following: “, except that any such allotment
8 which is not obligated within six months following the end
9 of the fiscal year for which it was made because of a lack
10 of projects which have been approved under subsection
11 (b) (1) of this section, or certified as entitled to priority
12 under subsection (b) (4) of this section, shall be reallotted
13 by the Secretary, on such basis as he determines to be rea-
14 sonable and equitable and in accordance with regulations
15 promulgated by him. Any amount made available to a State
16 by reallotments under the preceding sentence shall be in
17 addition to amounts otherwise allotted to such State under
18 this section, and shall be available for payments with respect
19 to projects in such State which have been approved under
20 this section prior to the close of the fiscal year following the
21 year for which the original allotment was made.”

22 (d) Subsection (d) of such section is amended by strik-
23 ing out “\$50,000,000” and inserting in lieu thereof “\$100,-

1 000,000", and by striking out "\$500,000,000" and insert-
2 ing in lieu thereof "\$1,000,000,000".

3 (e) Such section is further amended by adding at the
4 end thereof the following new subsection:

5 " (f) The Secretary shall take such action as may
6 be necessary to insure that all laborers and mechanics em-
7 ployed by contractors or subcontractors on projects for which
8 grants are made under this section shall be paid wages at
9 rates not less than those prevailing on the same type of work
10 on similar construction in the immediate locality, as deter-
11 mined by the Secretary of Labor, in accordance with the Act
12 of March 3, 1931, as amended, known as the Davis-Bacon
13 Act (46 Stat. 1494; 40 U.S.C. 276a through 276a-5)."

14 SEC. 5. (a) The first sentence of subsection (a) (1)
15 of section 7 of the Federal Water Pollution Control Act
16 is amended to read as follows: "There is hereby established
17 in the Department of Health, Education, and Welfare, a
18 Water Pollution Control Advisory Board, composed of the
19 Secretary or his designee, who shall be chairman, and nine
20 members appointed by the President, none of whom shall be
21 Federal officers or employees."

22 (b) The first sentence of subsection (a) (2) (A) of
23 such section 7 is amended by inserting before the period at

1 the end thereof: “, and (iii) the term of any member under
2 the preceding provisions shall be extended until the date
3 on which his successor’s appointment is effective”.

4 SEC. 6. Section 8 of the Federal Water Pollution Con-
5 trol Act is amended to read as follows:

6 “ENFORCEMENT MEASURES AGAINST POLLUTION OF
7 NAVIGABLE WATERS

8 “SEC. 8. (a) The pollution of navigable waters in or
9 adjacent to any State or States (whether the matter causing
10 or contributing to such pollution is discharged directly into
11 such waters or reaches such waters after discharge into a
12 tributary of such waters), which endangers the health or
13 welfare of any persons, shall be subject to abatement as
14 provided in this Act.

15 “(b) Consistent with the policy declaration of this Act,
16 State and interstate action to abate pollution of navigable
17 waters shall be encouraged and shall not be displaced by
18 Federal enforcement action except as otherwise provided by
19 or pursuant to a final order issued in accordance with sub-
20 section (e) of this section or a court order under subsection
21 (g) of this section.

22 “(c) (1) Whenever requested by the Governor of any
23 State, a State water pollution control agency, or (with
24 the concurrence of the State water pollution control agency
25 for the State in which the municipality is situated) the gov-

1 erning body of any municipality, the Secretary shall, if such
2 request refers to pollution of navigable waters which is en-
3 dangering the health or welfare of persons in a State other
4 than that in which the discharge or discharges (causing or
5 contributing to such pollution) originates, give formal notifi-
6 cation thereof to the water pollution control agency and in-
7 terstate agency, if any, of the State or States where such
8 discharge or discharges originate and shall call promptly
9 a conference of such agency or agencies and of the State
10 water pollution control agency and interstate agency, if
11 any, of the State or States, if any, which may be adversely
12 affected by such pollution. Whenever requested by the Gov-
13 ernor of any State, a State water pollution control agency,
14 or (with the concurrence of the State water pollution
15 control agency for the State in which the municipality is
16 situated) the governing body of any municipality, the Sec-
17 retary shall, if such request refers to pollution of navigable
18 waters which is endangering the health or welfare of per-
19 sons only in the requesting State in which the discharge or
20 discharges (causing or contributing to such pollution) origi-
21 nates, give formal notification thereof to the water pollution
22 control agency and interstate agency, if any, of the request-
23 ing State where such discharge or discharges originate and
24 shall promptly call a conference of such agency or agencies

1 and of the State water pollution control agency and inter-
2 state agency, if any, of the requesting State. The Secretary
3 shall also call such a conference whenever, on the basis of
4 reports, surveys, or studies, he has reason to believe that any
5 pollution referred to in subsection (a) and endangering the
6 health or welfare of persons in a State other than that in
7 which the discharge or discharges originate is occurring.

8 “(2) The agencies called to attend such conference may
9 bring such persons as they desire to the conference. Not
10 less than three weeks’ prior notice of the conference date
11 shall be given to such agencies.

12 “(3) Following this conference, the Secretary shall
13 prepare and forward to all the water pollution control agen-
14 cies attending the conference a summary of conference
15 discussions including (A) occurrence of pollution of navi-
16 gable waters subject to abatement under this Act; (B)
17 adequacy of measures taken toward abatement of the pollu-
18 tion; and (C) nature of delays, if any, being encountered
19 in abating the pollution.

20 “(d) If the Secretary believes, upon the conclusion of
21 the conference or thereafter, that effective progress toward
22 abatement of such pollution is not being made and that the
23 health or welfare of any persons is being endangered, he shall
24 recommend to the appropriate State water pollution control
25 agency that it take necessary remedial action. The Sec-

1 retary shall allow at least six months from the date he makes
2 such recommendations for the taking of such recommended
3 action.

4 “(e) If, at the conclusion of the period so allowed, such
5 remedial action is not taken or action which in the judg-
6 ment of the Secretary is reasonably calculated to secure
7 abatement of such pollution is not taken, the Secretary shall
8 call a public hearing, to be held in or near one or more of the
9 places where the discharge or discharges causing or con-
10 tributing to such pollution originated, before a Hearing Board
11 of five or more persons appointed by the Secretary. Each
12 State in which any discharge causing or contributing to such
13 pollution originates and each State claiming to be adversely
14 affected by such pollution shall be given an opportunity to
15 select one member of the Hearing Board and at least one
16 member shall be a representative of the Department of Com-
17 merce, and not less than a majority of the Hearing Board
18 shall be persons other than officers or employees of the De-
19 partment of Health, Education, and Welfare. At least
20 three weeks’ prior notice of such hearing shall be given to
21 the State water pollution control agencies and interstate
22 agencies, if any, called to attend the aforesaid hearing and
23 the alleged polluter or polluters. On the basis of the evi-
24 dence presented at such hearing, the Hearing Board shall
25 make findings as to whether pollution referred to in sub-

1 section (a) is occurring and whether effective progress to-
2 ward abatement thereof is being made. If the Hearing
3 Board finds such pollution is occurring and effective progress
4 toward abatement is not being made it shall make recom-
5 mendations to the Secretary concerning the measures, if any,
6 which it finds to be reasonable and equitable to secure abate-
7 ment of such pollution. Such findings and recommendations
8 shall be the findings and recommendations of the Secretary
9 except to the extent, on the basis of the evidence at such
10 hearing, he believes additional or different findings or recom-
11 mendations are warranted. The Secretary shall send his
12 findings and recommendations to the person or persons dis-
13 charging any matter causing or contributing to such pollu-
14 tion, together with an order specifying a reasonable time, but
15 not less than six months from the date of issuance of such
16 order, to secure abatement of such pollution in accordance
17 with such findings and recommendations. Such order shall
18 become final on the sixtieth day after the date of its issuance
19 unless an appeal is taken as provided in subsection (b).
20 The Secretary shall also send a copy of such findings and
21 recommendations and such order to the water pollution con-
22 trol agencies and interstate agencies, if any, attending the
23 hearings as a party of record.

24 “(f) An appeal may be taken from any such order of
25 the Secretary by any person who has been made subject to

1 such order to the United States court of appeals for the cir-
2 cuit in which any discharge or discharges causing or con-
3 tributing to the pollution subject to abatement by such order
4 originates by filing with such court a notice of appeal within
5 sixty days from the date of issuance of the order. The juris-
6 diction of the court shall attach upon the filing of such notice.
7 A copy of such notice shall forthwith be transmitted by the
8 clerk of the court to the Secretary or any officer designated
9 by him for that purpose and to any other person who re-
10 ceived a copy of the Secretary's order. The Secretary shall
11 thereupon file in the court the record of the proceedings be-
12 fore the Hearing Board as provided in section 2112 of title
13 28, United States Code, together with his findings of fact
14 and recommendations. Such findings of the Secretary, if
15 supported by substantial evidence when considered on the
16 record as a whole, shall be conclusive, but the court for good
17 cause shown may remand the case to the Secretary for the
18 taking of additional evidence in such manner and upon such
19 terms and conditions as the court may deem proper. The
20 Secretary may thereupon make or cause to be made new or
21 modified findings of fact and recommendations, and he shall
22 file with the court the record of such further proceedings,
23 the new or modified findings and recommendations, and his
24 recommendations, if any, for the setting aside or modifica-
25 tion of his original order. Such new or modified findings

1 shall likewise be conclusive if supported by substantial
2 evidence when considered on the record as a whole.

3 “(g) Upon the basis of the record of the proceedings
4 filed with it, the court shall have jurisdiction to enter an
5 order affirming or setting aside, in whole or in part, the
6 order of the Secretary. The judgment of the court shall be
7 final, subject to review by the Supreme Court of the United
8 States upon certiorari or certification as provided in section
9 1254 of title 28 of the United States Code.

10 “(h) The United States district courts shall have juris-
11 diction of any civil action brought by the Attorney General
12 at the request of the Secretary to enforce any order issued
13 under this section by the Secretary, or by a United States
14 court of appeals.

15 “(i) Members of any Hearing Board appointed pur-
16 suant to subsection (e) who are not regular full-time officers
17 or employees of the United States shall, while participating
18 in the hearing conducted by such Board or otherwise
19 engaged on the work of such Board, receive compensation
20 at a rate fixed by the Secretary, but not exceeding \$100
21 per diem, including travel time, and while away from their
22 homes or regular places of business they may be allowed
23 travel expenses, including per diem in lieu of subsistence, as
24 authorized by law (5 U.S.C. 73b-2) for persons in the
25 Government service employed intermittently.

1 “(j) As used in this section, the term ‘person’ includes
2 an individual, corporation, partnership, association, State,
3 municipality, and political subdivision of a State.”

4 “(k) As used in this section, the term ‘municipality’
5 means a city, town, borough, county, parish, district, or
6 other public body created by or pursuant to State law.”

7 SEC. 7. Section 9 of the Federal Water Pollution Con-
8 trol Act is amended by adding at the end thereof the follow-
9 ing new sentences: “In his summary of any conference pur-
10 suant to section 8 (c) (3) of this Act, the Secretary shall
11 include references to any discharges allegedly contributing
12 to pollution from any Federal property. Notice of any
13 hearing pursuant to section 8 (e) involving any pollution
14 alleged to be effected by any such discharges shall also be
15 given to the Federal agency having jurisdiction over the
16 property involved and the findings and recommendations of
17 the Hearing Board conducting such hearing shall also include
18 references to any such discharges which are contributing to
19 the pollution found by such Hearing Board.”

20 SEC. 8. Section 11 of the Federal Water Pollution
21 Control Act is amended by striking out subsections (d) and
22 (e) and inserting in lieu thereof the following:

23 “(d) The term ‘State’ means a State, the District of
24 Columbia, the Commonwealth of Puerto Rico, the Virgin
25 Islands, and Guam.

1 “(e) The term ‘interstate waters’ means all rivers,
2 lakes, and other waters that flow across or form a part of
3 State boundaries, including coastal waters.”

4 SEC. 9. In the case of any discharge or discharges caus-
5 ing or contributing to water pollution with respect to which
6 the actions of the Surgeon General or the Secretary pre-
7 scribed under section 8 of the Federal Water Pollution
8 Control Act, as in effect prior to the enactment of this Act,
9 have already been completed prior to such enactment, the
10 provisions of such section as so in effect shall continue to be
11 applicable until the pollution caused by such discharge or
12 discharges has been abated.

13 SEC. 10. This Act may be cited as the “Federal Water
14 Pollution Control Act Amendments of 1961”.

87TH CONGRESS
1ST SESSION

H. R. 6441

A BILL

To amend the Federal Water Pollution Control
Act to provide for a more effective program
of water pollution control.

By Mr. BRATNIK

APRIL 18, 1961

Referred to the Committee on Public Works

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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Issued April 26, 1961
For actions of April 25, 1961
87th-1st, No. 69

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HIGHLIGHTS: House subcommittee voted to report bill to increase per diem travel rates. Senate subcommittee voted to report migratory labor bills relating to education, child labor, health services, and registration of contractors. House committee voted to report Delaware River Basin Compact bill.

SENATE

1. FARM LABOR. The Migratory Labor Subcommittee of the Labor and Public Welfare Committee voted to report to the full committee the following bills: p. D276
S. 1123, to exempt migratory labor children above certain ages from the child labor provisions of the Fair Labor Standards Act of 1938;
S. 1124, to provide Federal assistance in providing improved educational opportunities for children of migratory farm workers;
S. 1125, to provide Federal assistance for the adult education of migratory farm workers;
S. 1126, to provide for the registration of contractors of migratory farm workers;
S. 1130, to authorize the Public Health Service to make grants for improving health services and conditions for migratory farm workers; and
S. 1132, to provide for the establishment of a National Citizens Council on Migratory Labor.

HOUSE

2. FOREIGN AID. By a vote of 330 to 82, passed without amendment H. R. 6518, making appropriations of \$500 million for the Inter-American Social and Economic Cooperation Program and the Chilean Reconstruction and Rehabilitation Program

for the fiscal year ending June 30, 1961. Rep. Conte stated that it is anticipated that this act will provide \$4 million for agriculture extension in Latin America. pp. 6243-70

3. TEXTILES. Rep. Hemphill deplored the present trend in the textile industry, saying "We have finally come to the point where ... either the textile industry is going to get some sympathy, or there is not going to be any textile industry." pp. 6274-81
4. WATER POLLUTION. The Public Works Committee reported with amendments H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control (H. Rept. 306). p. 6288
5. VEHICLES. The Judiciary Committee reported with amendment H. R. 2883 to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment (H. Rept. 297). p. 6287
6. LANDS. The Interior and Insular Affairs Committee reported ^{/without amendment} H. R. 5416, to include within the boundaries of Joshua Tree National Monument in California, certain Federally owned lands used in connection with the monument (H. Rept. 298). p. 6287
7. PERSONNEL. The Government Operations Committee voted to report (but did not actually report) H. R. 3279, to increase the maximum rates of per diem allowance for employees of the Government travelling on official business. p. D278
8. DELAWARE RIVER BASIN COMPACT. The Judiciary Committee voted to report (but did not actually report) H. J. Res. 225, to grant the consent of Congress to the Delaware River Basin Compact and to enter into such compact on behalf of the U. S. p. D278
9. TAXATION. The Ways and Means Committee voted to report (but did not actually report) H. R. 6413, to extend to fishermen the same treatment accorded farmers in relation to estimated income tax. p. D273

ITEMS IN APPENDIX

10. FARM PROGRAM. Rep. Short inserted an editorial discussing family farming operations and stating that "family farming, as we think of it, is going to be around for a long time." pp. A2794-5
Rep. Stratton inserted an editorial discussing the importance of Otsego County, N. Y., as an agricultural area. p. A2795
Rep. Short inserted an article opposing the proposal in the President's farm message "which calls for referendums under which a two-thirds vote of farmers could put a commodity under Federal controls." p. A2798
11. RURAL INDUSTRY. Rep. Moeller commended "the increased interest of the Department of Agriculture in the development of our rural areas," and inserted a newspaper article, "Rural Industry Agency Is Freeman Objective." pp. A2793-4
12. ELECTRIFICATION. Rep. Kastenmeier inserted a speech by REA Administrator Clapp before the Western Farmers Electric Cooperative in Anadarko, Okla., "A Secure Supply of Power," in which he discusses the Administration's program for rural electrification. pp. A2803-4

FEDERAL WATER
POLLUTION CONTROL ACT
AMENDMENTS OF 1961

R E P O R T
OF THE
COMMITTEE ON PUBLIC WORKS
HOUSE OF REPRESENTATIVES

TO ACCOMPANY

H.R. 6441

A BILL TO AMEND THE FEDERAL WATER POLLUTION
CONTROL ACT TO PROVIDE FOR A MORE EFFECTIVE
PROGRAM OF WATER POLLUTION CONTROL

TOGETHER WITH

MINORITY VIEWS



APRIL 25, 1961.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1961

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FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961

APRIL 25, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BLATNIK, from the Committee on Public Works, submitted the following

REPORT

[To accompany H.R. 6441]

The Committee on Public Works, to whom was referred the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, line 5, strike out "7, and 8" and insert in lieu thereof "and 7".

Page 2, line 24, strike out "; and".

Strike out line 25 on page 2 and lines 1 and 2 on page 3.

Page 3, line 3, strike out "(c)" and insert in lieu thereof "(b)".

Page 4, line 11, strike out "4" and insert "(4)".

Page 4, line 12, strike out "5" and insert "(5)".

Page 4, line 13, strike out the comma and insert in lieu thereof a semicolon.

Page 4, line 14, strike out "5" and insert "(5)".

Page 4, strike out lines 20 and 21 and insert in lieu thereof:

follows: "(2) no grant shall be made for any project in an amount

Page 10, line 2, strike out the period and insert in lieu thereof a comma and the following:

unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of such significance to warrant exercise of Federal jurisdiction under this section.

Page 12, line 19, strike out "(b)" and insert in lieu thereof "(f)".

The committee amendments are technical amendments correcting punctuation and numbering errors and a typographical omission of language agreed to unanimously by the committee.

PURPOSE OF THE BILL

The purpose of H.R. 6441 is to extend and strengthen the Federal water pollution control program and to assist the States and local communities in providing for more effective programs of water pollution control at all levels of government.

The bill as amended would (1) vest in the Secretary of Health, Education, and Welfare full responsibility for the conduct of the Federal water pollution control program authorized by this act; (2) authorize the establishment and maintenance of field laboratory and research facilities in various parts of the country, and the conduct of water quality studies of the Great Lakes; (3) increase grants to State and interstate agencies for the operation of their water pollution control programs from \$3 million to \$5 million annually and extend the authorization for such grants to June 30, 1971; (4) increase the authorization of appropriations for waste treatment works construction grants from \$50 million to \$100 million annually and the total authorization from \$500 million to \$1 billion; (5) increase maximum allowable grants from \$250,000 to \$800,000 and substitute sliding scale formula for present 30-percent grant limitation; (6) \$2.4 million ceiling on grants for projects serving more than one municipality; (7) require priority for all previously filed applications under \$250,000; (8) retain existing Federal enforcement jurisdiction over interstate waters and expand Federal pollution abatement enforcement authority to all navigable waters and coastal waters whether or not there is a showing of interstate pollution if abatement action is requested by a State or a municipality with the concurrence of the State; (9) authorize the Secretary of Health, Education, and Welfare to issue final orders in enforcement actions; and (10) include discharges from Federal installations in all administrative findings and recommendations in Federal abatement actions.

GENERAL STATEMENT

Public hearings were held by the committee on March 14, 15, 16, and 29, 1961, on H.R. 4036 which is superseded by H.R. 6441, the bill here reported, at which testimony was received from witnesses representing municipal and county government associations; State health, engineering, and pollution control administrators; conservation and civic groups; industry and labor representatives; and the Secretary of Health, Education, and Welfare. The committee considered the bill during 4 days of executive session.

NEED FOR THIS LEGISLATION

Water has become the No. 1 resource problem confronting the United States today.

The water problem is directly related to our country's rapid population and economic growth. This growth is creating a major impact on water resources from a rapidly growing demand for water to

produce the things we need to eat, wear, and use, and for an ample supply of clean, safe water for drinking and for recreation.

By 1980 our population is expected to reach the 232-274 million range. Probably the most significant population growth trend is that toward urbanized living. By 1980 more than 90 percent of our people will live in cities and towns, half of these in cities over 50,000 population or their suburbs.

In addition to population growth and concentration, the phenomenal growth of industry will also continue. Production of goods increased sevenfold from 1900 to 1950 and is expected to double the 1950 figures by 1975.

The result of population and economic-industrial growth will be a tremendous increase in fresh water use. By 1980, our estimated fresh water needs will total 600 billion gallons a day—nearly double present water use.

In the past, we met rising demands for water largely through construction of storage facilities to increase the amount of water available for use. Now, however, the limit of the amount of dependable water supply is in sight. The maximum dependable fresh water supply we can ever hope to develop by engineering works is estimated to be 600-650 billion gallons a day by the year 2000. This is our fixed water supply—foreseeably all the Nation will ever have to support continued population and economic growth.

By 1980 the developed dependable fresh water supply is expected to total about 515 billion gallons a day. Therefore, by 1980 demand will exceed supply by 85 billion gallons. It is obvious that the Nation's water needs from now on must be met by using the same water over and over. Thus, the highest priority in water resources developments must be given to the all-important need of providing for the cleanliness of the limited water supply so that it can be used and reused in meeting the Nation's increasing requirements for water for all purposes.

Water reuse on a large scale is already a necessity. Some of the water in every stream is used one or more times with much greater reuse of streams in developed areas. During low flows it is estimated that the flow of the Ohio River is used 3.7 times. Five- and six-time reuse of water in our major river basins is a certain prospect.

Water must be of suitable quality to be reusable, however. Used water is invariably polluted water and pollution degrades its physical, chemical, biological, and aesthetic qualities. Multiple water reuse, therefore, will require highly effective pollution control to protect and conserve water quality if streams are to serve each downstream community, industry, farm, and recreation area.

We have entered the era in water resource conservation and development in the United States where water quality management must have the highest priority in supplying present and future water supply needs. An important segment of water quality management has been and will be accomplished by providing storage of good quality waters for water supply purposes and for dilution of downstream pollution. For the Nation as a whole, however, water quality management can best be affected by the prevention and control of pollution. More "new" water can be provided to meet needs by controlling pollution than by any other means. Pollution control has the advantage of permitting the use of an already available distribution system, the

waterways of the country, to deliver water of satisfactory quality to the points where it is needed.

COMMITTEE RECOMMENDATIONS

H.R. 6441 will establish the more effective Federal water pollution control program needed to assist the States and local communities in obtaining the highly effective pollution control necessary to protect and conserve the water quality of the Nation's waterways. The committee strongly urges favorable action on this measure.

MAJOR PROVISIONS OF THE BILL

Administration of the program

The committee has watched carefully the progress and development of the national water pollution control program and particularly the supporting role of the Federal Government. The committee has always believed that the objectives of the program should be given high priority in an appropriate administrative framework in the Department of Health, Education, and Welfare.

Existing law provides that the pollution control program be administered by the Surgeon General through the Public Health Service under the supervision of the Secretary of Health, Education, and Welfare. The administrative status of the program has not changed since 1948 when it was originally established despite a great increase in program activities, responsibilities, personnel, and appropriations. During public hearings the committee heard testimony favoring the establishment of a Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare. The President has urged the establishment of a "special unit" in the Public Health Service to administer both air and water pollution control programs.

The Secretary of Health, Education, and Welfare, recognizing the need to upgrade pollution control activities in his department, asked the committee for "* * * time to take a complete fresh look at the situation and the various proposals for dealing with it."

In order to give the Secretary complete flexibility in effectuating his decision relating to the proper administrative status of this program the bill approved by the committee would transfer responsibility for the administration of the Federal water pollution control program from the Surgeon General to the Secretary of Health, Education, and Welfare.

This action is in conformity with recommendation No. 14 of the first report of the Hoover Commission on Organization of the Executive Branch of the Government (H. Doc. 55, 81st Cong.) which states:

Under the President, the heads of departments must hold full responsibility for the conduct of their departments. There must be a clear line of authority reaching down through every step of the organization and no subordinate should have authority independent from that of his superior.

The committee hopes that in reaching any decision on this matter the Secretary of Health, Education, and Welfare takes into consideration the fact that the water pollution control program established in

1956 and strengthened by this bill goes far beyond the usual public health legislation in that it assigns to his Department the responsibility for controlling water pollution to conserve water for all uses—propagation of fish and aquatic life and wildlife, recreational purposes, industrial and agricultural (including irrigation) supplies, and other legitimate purposes, as well as public water supplies and protection of the public health.

States rights and responsibilities

The bill reaffirms and clarifies congressional policy to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution.

Nothing in the bill is intended to impair or in any manner affect any right or jurisdiction of the States with respect to the waters of the States, including but not limited to the power, authority, and jurisdiction of the States to enforce State water pollution control laws and regulations.

The committee has exercised extreme care to assure that the language of the bill will allow continued comprehensive action by the States in the field of water pollution control. There certainly can be no assumption that the Federal interest in the field of water pollution abatement authorized by this bill is so dominant as to preclude State action. The proposition is well established that the protection of the health and welfare of the citizens of a State is a proper subject for the exercise of the State police power. The bill provides specifically for cooperation with the States and its aim is to encourage and assist States and local communities in their efforts to control water pollution, not to usurp or preempt their rights, powers, or responsibilities in this field.

Research and studies

Research has always been recognized as a basic Federal water pollution control responsibility. The need for a much greater Federal research effort was consistently recognized during the hearings on the bill.

At least six permanent regional water pollution control laboratories, fully equipped and staffed with skilled laboratory and field project personnel, are badly needed to support expanding programs in comprehensive program development, special field study projects on specific problems, basic data, and enforcement; also, much needed increases in technical assistance to State and local agencies and in connection with projects and other Federal water resources agencies. At present the Public Health Service must establish temporary facilities, make such use of the Sanitary Engineering Center in Cincinnati as distance permits, rely on the facilities of others, or contract for needed laboratory services.

The bill authorizes the establishment of regional water pollution control laboratories in various sections of the country. The specific locations mentioned in the bill are not intended to exclude any other area where such facilities are needed to carry out the cooperative Federal-State-local pollution control program authorized by this bill.

The bill also authorizes a continuing study of the quality of the waters of the Great Lakes. The Great Lakes constitute the largest single source of fresh water in this hemisphere. They must be

protected from pollution caused by population and industrial growth and increased shipping.

State and interstate program grants

A significant provision in existing law is that providing for matching grants to State and interstate agencies to assist them in meeting the costs of establishing and maintaining adequate water pollution control programs.

State programs in this field have expanded under the grant program. States having relatively large appropriations have used grant funds principally for increased research and special studies often by contract. Those having smaller appropriations have used the grant funds for such purposes as increasing technical staffs and field studies, accelerating enforcement action, purchasing special laboratory and field equipment, and engaging in applied research. The program grant authorization expires with this fiscal year unless extended by this bill.

The bill increases the appropriation authority for program grants to State and interstate agencies from \$3 million to \$5 million annually and extends the authorization to June 30, 1971.

The clear purpose of these grants is to provide for extension or improvement of State and interstate programs for prevention and control of water pollution. It is expected that the Department of Health, Education, and Welfare will establish administrative procedures to insure that these grant funds are used solely for this purpose.

State plans to be submitted as a prerequisite to receiving such program grants will be required to include criteria used by the States in determining priority of projects for Federal grants for the construction of municipal treatment works authorized by this legislation. The committee believes such criteria should place emphasis on controlling and preventing pollution of surface waters.

Grants for waste treatment plant construction

Under existing law there is authorized \$50 million annually in Federal grants to communities to assist them in the construction of needed waste treatment facilities. This program has been in operation since 1956. During the 5 years immediately preceding enactment of the program (1952-56) contract awards for sewage treatment plant construction averaged \$222 million. Over the past 4 years contract awards for sewage treatment plant construction have averaged almost \$360 million annually—an increase of 62 percent over the 5-year average before Federal financial assistance became available.

Under the construction grant program as of March 31, 1961, a total of 2,671 grant offers have been made aggregating \$219.3 million. These in turn supported construction of projects having eligible costs totaling \$1.27 billion. Every Federal dollar expended has been matched by over \$4.80 in local funds.

Despite the great progress made as a result of Federal financial assistance, much more remains to be done. Construction since 1957 has been largely offset by new needs and the number of needed projects remains at 5,100 sewage treatment plants. According to the Public Health Service, 4,136 new plants are required for 23 million people in communities now discharging raw untreated sewage, and communities where existing treatment works are obsolete and require replacement. Another 991 communities need major additions and enlargements of

existing inadequate plants to provide satisfactory treatment for 19 million persons.

In addition to the backlog of treatment plant needs, population growth will continue to create new needs. If municipalities are to catch up by 1970, they will have to spend an average of \$600 million a year to eliminate the backlog, provide for new population, and to replace the plants that will become obsolete.

In order to stimulate construction up to \$600 million a year the bill authorizes an increase in Federal financial assistance from the present \$50 million annually to \$100 million annually and an increase in the total grant authorization from \$500 million to \$1 billion.

The committee is impressed with the need for providing more effective incentives to those communities requiring larger installations, which involve construction costs of considerable magnitude. The need for construction of treatment plants by municipalities exceeding 50,000 population amounts to about 30 percent of total needs, yet these cities have received less than 15 percent of the Federal grant funds under existing legislation. Further stimulation of projects in these areas is desirable. To provide Federal financial assistance to achieve more effectively the required stimulus of necessary construction within this group of communities, the bill provides a sliding scale formula which would provide a stimulus to larger communities more nearly comparable to that now provided for smaller communities. The increased appropriation authorizations would make available Federal grants for more projects, and hence would benefit both larger and smaller communities.

The bill would limit the Federal grant to 30 percent of the first \$1 million of the estimated reasonable cost of a project, plus 15 percent of the next \$2 million, plus 10 percent of the remainder of such cost, but subject to an \$800,000 ceiling; however, no grant of more than \$250,000 shall be approved for a project in any State until all applications filed prior to the effective date of enactment of this bill have first been approved.

In order to encourage the construction of projects serving more than one municipality, the bill would apply this ceiling to each municipality's share of the cost of the project. The grant for joint projects would be the total amount each participating municipality would have been awarded had it constructed a separate facility with a ceiling of \$2.4 million for such projects. The purpose of this provision is to make each governmental unit served by the project eligible for a construction grant and it is applicable to projects now in operation serving more than one municipality as well as prospective joint projects. The committee encourages adjacent communities to band together for the construction and operation of joint treatment and disposal works, utilizing such financial arrangements and methods as authorized by State statute.

The bill would also provide for reallocation of construction grant funds of a State that are not obligated for the construction of approved projects within 18 months after allocation. These funds would then be reallocated to States which are in a position to go forward (during the next 6 months) with projects that have been approved by the State water pollution control agency. Such reallocation authority would assure use of the full amount appropriated each year for construction of needed projects.

The bill also requires that with respect to work performed on sewage-treatment projects the taking of such action as may be necessary to insure payment of wages at rates not less than those prevailing on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. These provisions now apply to all direct Federal construction as well as to contracts for school, hospital, housing, and airport projects constructed with Federal-aid funds.

Enforcement jurisdiction extended to navigable waters

Under the Federal Water Pollution Control Act, Federal enforcement authority applies to pollution of any interstate waters, which the act defines to include "all rivers, lakes, and other waters that flow across, or form a part of, boundaries between two or more States." Under this definition almost all coastal waters are excluded; so are waters which, though they may be navigable, do not cross or form part of State boundaries.

The present law, for instance, excludes from enforcement jurisdiction the greater part of the Great Lakes and their tributaries, the coastal waters of the Nation, many important coastal streams, intrastate water bodies such as the Detroit River, those of Florida, and all rivers, streams, lakes, and coastal waters of Alaska, Hawaii, and the Virgin Islands and Puerto Rico. International boundary streams such as the St. Lawrence, Niagara, lower Colorado, and Rio Grande Rivers are untouchable under the act. The same situation exists as to international streams flowing across the northern and southern borders of the United States into our international neighbors. Examples are the Red River of the North in Minnesota, Lake Champlain in New York, Souris and Riviere Rivers in North Dakota, and the Flathead and Kootenai Rivers in Montana. In addition, the Missouri River from the Kansas State line to just above St. Louis is an untouchable area under existing law. The greater part of the Hudson River is excluded, as are important reaches of the Tennessee, Columbia, Colorado, and Merrimack Rivers. Of the estimated 26,000 water bodies in the United States, there are only an estimated 4,000 of an interstate nature.

In addition, Federal enforcement authority covers only pollution of interstate waters, defined as above, which "endangers the health or welfare of persons in a State other than that in which the discharge originates * * *." Thus only pollution having an interstate effect is subject to abatement under the existing law.

The effect of this limitation is to require Federal enforcement officials to trace the noxious effects of some polluter's discharge through the discharges of often hundreds of other polluters to some point in another State where the effect can be segregated from its host of acquired companions and found to endanger the health or welfare of persons. The enforcement process is then, by reason of the wording of the present law, intrinsically slow, expensive, and far less efficient than possible.

The bill amends existing law by extending the authority for Federal abatement enforcement action to the pollution of any navigable waters (including coastal waters) which endanger the health and welfare of any persons.

Enforcement procedures

The bill makes a number of changes in existing law relating to procedures in initiating and carrying out Federal enforcement actions. First, in addition to requests from a State water pollution control agency or the Governor of any State to initiate action, as provided in existing law, the Federal Government would be required to enter a case if a municipality, with the concurrence of the State, requests such action.

Second, the bill makes Federal enforcement procedures available not only in cases where the pollution discharge crosses State lines, but also whenever there is pollution affecting legitimate uses of the water of any navigable stream whether or not there is interstate pollution. Federal jurisdiction in intrastate pollution situations, however, would be exercised only upon request from the State or from a municipality with the concurrence of the State. No direct Federal action can be initiated in such a case without such a request being made by the affected State.

Third, the bill clarifies and strengthens the role of the Secretary of Health, Education, and Welfare in the enforcement process by providing that the findings and recommendations of the hearing boards shall be the Secretary's findings and recommendations, except to the extent modified by him and authorizing him to issue an order (instead of a notice) based on his findings and recommendations for abatement of any pollution found to exist. To afford adequate protection for the parties in interest, provision is made in the bill for an appeal from the Secretary's order to be taken within 60 days to the U.S. court of appeals. (If such appeal is not taken the order shall be final.)

Fourth, if action reasonably calculated to carry out the Secretary's order is not taken, he could request the Attorney General to bring a civil action in the U.S. district court to enforce any order issued by him or, after appeal, by a U.S. court of appeals. Existing law requires State consent to any Federal court action necessary to obtain an order to carry out the Secretary's recommendations. No such consent is required under the new procedures since the purpose of Federal court action under the bill is to obtain enforcement of either the Secretary's final order or an order of the court of appeals following an appeal from the Secretary's order. It is the hope of the committee that State water pollution control agencies will be consulted in all phases of the enforcement proceedings, including issuance of final orders, in order to assure the continuance of close Federal-State relations in this field.

Discharges from Federal installations

The bill amends existing law to provide that summaries of conferences prepared as a result of an enforcement action shall include references to discharges from Federal installations and that notices of hearings pursuant to the enforcement section shall be sent to Federal agencies having jurisdiction over any Federal property involved and that findings and recommendations of the hearing board shall also include references to discharges from Federal property which are contributing to pollution found by the hearing boards.

CONSTITUTIONAL POWER OF CONGRESS TO PROTECT NAVIGABLE WATERS
AGAINST POLLUTION

It is well settled that the jurisdiction of Congress over waters capable of use as highways of interstate or foreign commerce, which is derived from the commerce clause of the Constitution, extends as well to intrastate (*The Daniel Ball*, 10 Wall. 557, 563 (U.S. 1870); *Ex Parte Boyer*, 109 U.S. 629 (1883); *The Katie*, 40 F. 480, 489 (1889)) as to interstate waters (*Gibbons v. Ogden*, 9 Wheat. 1, 197 (1824)). The power to regulate commerce necessarily embraces all matters pertaining to navigation on such waters but is not limited to navigation. As the Supreme Court declared in *Gilman v. Philadelphia* (3 Wall. 713, 724 (U.S. 1865)):

Commerce includes navigation. The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the Nation, and subject to all the requisite legislation by Congress.

Congress and the courts have long assumed that as "public property of the Nation" the quality of navigable waters of the United States is within the protection of the Congress. For over 61 years the pollution of navigable waters by refuse has been prohibited by section 13 of the Rivers and Harbors Act of 1899 (33 U.S.C. 407) without regard to its effect on navigation. That section prohibits, among other things, the discharge or deposit into any navigable waters of the United States of—

any refuse matter of any kind or description whatever other than that flowing from streets and sewers and passing therefrom in a liquid state.

The power of Congress to protect such waters against pollution was early upheld in *Scow No. 36* (144 F. 932 (1906)) where the Circuit Court of Appeals, First Circuit, declared (p. 934):

The power of the Federal Government over the navigable waters of its ocean harbors is absolute, general, and without limitations, except such as are prescribed in the Constitution; and, in the exercise of such power in the interest of and for the protection of commerce, it may well prescribe the manner in which the harbors shall be used; and, in the interest of sanitation and health, and of the general welfare, it may well protect its public waters from pollution.

Thirty years later, this authority was reaffirmed by the U.S. Circuit Court of Appeals, Ninth Circuit, in *La Merced* (84 F. 2d 444, 446 (1936)) where it said:

"* * * [W]e see no reason for limiting 'refuse matter of any kind or description whatever' to such refuse matter only as would impede or obstruct navigation." To the same effect *United States v. Ballard Oil Co. of Hartford, Inc.* (195 F. 2d 369 (1952)).

United States v. Appalachian Electric Power Co. (1940) (311 U.S. 377) dispelled any doubts as to the authority of Congress to exercise its jurisdiction over navigable waters of the United States for objects not related to the protection of navigation. There the Court considered, among other issues, the authority of Congress to require, as a condition to a Federal license for the erection of a dam for power only, in waters under its jurisdiction, compliance with provisions not essential to or even concerned with navigation as such. Rejecting the argument that the right of the United States to the use of the waters is limited to navigation, the Court upheld the plenary power of the Congress over navigable waters in broad terms, declaring (pp. 426-427):

In our view, it cannot properly be said that the constitutional power of the United States over its waters is limited to control for navigation. By navigation respondent means no more than operation of boats and improvement of the waterway itself. In truth the authority of the United States is the regulation of commerce on its waters. Navigability, in the sense just stated, is but a part of this whole. Flood protection, watershed development, recovery of the cost of improvements through utilization of power are likewise parts of commerce control * * *. That authority is as broad as the needs of commerce * * *. The license conditions to which objection is made have an obvious relationship to the exercise of the commerce power. Even if there were no such relationship the plenary power of Congress over navigable waters would empower it to deny the privilege of constructing an obstruction in those waters. It is no objection to the terms and to the exertion of the power that "its exercise is attended by the same incidents which attend the exercise of the police power of the States." The congressional authority under the commerce clause is complete unless limited by the fifth amendment.

If, in the general interest of protecting and promoting commerce, flood control and watershed development are legitimate concerns of Congress, as the Court has said, the protection of navigable waters against pollution which, as held in *Scow No. 36*, *supra*, is "in the interest of sanitation and health, and of the general welfare," seems quite clearly to be within the domain of congressional control.

PROCEDURES SUBJECT TO ADMINISTRATIVE PROCEDURE ACT

It is the committee's view that the hearing process under the bill is plainly subject to the Administrative Procedure Act (5 U.S.C. 1006, 1007). The proceedings would constitute "adjudication" within the meaning of that act, but the result would be the same even if they were considered "rulemaking," since in either case sections 7 and 8 are applicable when there is a requirement that the administrative action be based on the record after opportunity for an agency hearing (5 U.S.C. 1003, 1004). The bill expressly requires that findings by the hearing board be based on the evidence presented at the hearing, and this language brings the procedure squarely within the provisions of the Administrative Procedure Act.

Among the purposes of the Administrative Procedure Act is assurance that the requirements of fairness will be met, from the beginning to the end of administrative proceedings. Section 8 (5 U.S.C. 1007) specifically requires that, upon a decision by subordinate officers or upon a review of that decision by the agency, the parties must be afforded a reasonable opportunity to submit for the consideration of the deciding officers proposed findings and conclusions or exceptions to the decisions, with supporting reasons. These provisions were undoubtedly designed to preclude action, at any stage of the proceeding, without adequate notice to parties affected and opportunity for them to be heard, and to import into administrative procedures the requirement that those who are brought into contest with the Government in a quasi-judicial proceeding aimed at the control of their activities are entitled to be fairly advised of what the Government proposes and to be heard upon its proposals before it issues its final command.

The bill expressly requires the Secretary, like the hearing board, to act solely on the basis of the evidence at the hearing. These procedures were developed carefully after consultation with Department officials and others. They are identical, in all major respects, to recommendations contained in proposed legislation submitted to Congress and this committee by the Department of Health, Education, and Welfare in May 1960, and again on January 18, 1961. The present Secretary of Health, Education, and Welfare has also approved these procedures.

STATE MATCHING GRANTS

The suggestion has been made that increased Federal grant allocations for treatment-plant construction authorized by this bill be made only to those States providing financial assistance for such construction to the local communities located within the State. The principle of State matching has worked well in other programs but unfortunately experience has shown that the States have never exhibited a willingness to provide meaningful financial assistance to local communities for treatment-plant construction.

The seriousness of the Nation's water pollution problem makes it imperative that the Federal Government move as rapidly as possible in helping to solve what has become more than a local or State problem. The lack of adequate treatment facilities, both municipal and industrial, is nationwide and is the primary cause of the overall pollution problem. To stimulate construction of municipal waste treatment plants as rapidly as possible the present grant program was enacted, not requiring State financial participation, but requiring only that the local community qualifying for the grant be able to finance the non-Federal share of the cost.

Since the enactment of Public Law 660 five States—Maine, Vermont, New Hampshire, Maryland, and Georgia—have initiated financial assistance programs predicated on the Federal program. These States are to be commended for their foresight and willingness to participate in a true Federal-State-local partnership. The committee believes that other States will in the future enact similar programs, thereby further stimulating the construction of waste-treatment facilities. The committee does not, however, see any good

coming from the denial of the increased funds provided in this bill to a community merely because the State in which that community is located does not provide similar financial assistance. Whether or not the Federal Government should meet its national responsibilities cannot be predicated on whether State governments are meeting their State responsibilities.

The existing program has worked well. The suggestion to require State matching funds before increased Federal assistance as provided in this bill could be made available would delay the steady progress being made. The effect of such a suggestion would be to negate the purpose of the additional grant funds authorized by this bill.

ACID-MINE DRAINAGE STUDY

The problem of acid-mine drainage from abandoned coal mines was brought to the committee's attention during public hearings. In many areas of the country this has been causing an increasingly serious pollution problem. It is particularly acute in the States of West Virginia, Pennsylvania, Ohio, Kentucky, Indiana, and Illinois.

The annual discharge of millions of tons of chemically polluted water from the thousands of abandoned coal mines in these and other coal-producing States causes untold damage to domestic and industrial water supplies, adversely affects recreation and tourist facilities, and impairs the operation of steamboats, barges, powerplants, and river and harbor structures.

The committee believes that the first and most urgent requirement is for an expeditious and comprehensive study of the nature and scope of the problem as well as a feasibility survey of various proposed solutions.

Under existing provisions of law authorizing the carrying out of investigations and studies relating to the causes, control, and prevention of water pollution, the Secretary of Health, Education, and Welfare should undertake such a study relating to pollution caused by acid-mine drainage from abandoned coal mines and report to the committee within a year with recommendations for appropriate action.

STATE ALLOTMENTS

Following is a table showing approximate apportionments of construction grant funds under H.R. 6441 and existing authorization:

Water pollution control construction grant program

	State allotments based on appropriation of—			State allotments based on appropriation of—	
	\$50,000,000 (under exist- ing law)	\$100,000,000 (under H.R. 6441)			
Total.....			Missouri.....	\$1,061,125	\$2,122,250
Alabama.....	1,122,100	2,244,200	Montana.....	516,425	1,032,850
Alaska.....	423,725	847,450	Nebraska.....	686,650	1,373,300
Arizona.....	591,750	1,183,500	Nevada.....	355,525	711,050
Arkansas.....	1,011,250	2,022,500	New Hampshire.....	525,775	1,051,550
California.....	2,045,725	4,091,450	New Jersey.....	1,113,500	2,227,000
Colorado.....	633,025	1,266,050	New Mexico.....	614,275	1,228,550
Connecticut.....	620,200	1,240,400	New York.....	2,735,600	5,471,200
Delaware.....	338,150	676,300	North Carolina.....	1,261,125	2,522,250
District of Columbia.....	454,500	909,000	North Dakota.....	661,375	1,322,750
Florida.....	899,700	1,799,400	Ohio.....	1,655,825	3,311,650
Georgia.....	1,123,275	2,246,550	Oklahoma.....	863,450	1,726,900
Hawaii.....	522,850	1,045,700	Oregon.....	661,250	1,322,500
Idaho.....	591,925	1,183,850	Pennsylvania.....	2,099,250	4,198,500
Illinois.....	1,751,125	3,502,250	Rhode Island.....	525,425	1,050,850
Indiana.....	1,040,825	2,081,650	South Carolina.....	1,023,850	2,047,700
Iowa.....	896,425	1,792,850	South Dakota.....	680,700	1,361,400
Kansas.....	764,950	1,529,900	Tennessee.....	1,124,075	2,248,150
Kentucky.....	1,072,475	2,144,950	Texas.....	1,713,575	3,427,150
Louisiana.....	975,100	1,950,200	Utah.....	596,600	1,193,200
Maine.....	631,725	1,263,450	Vermont.....	548,650	1,097,300
Maryland.....	760,125	1,520,250	Virginia.....	1,024,725	2,049,450
Massachusetts.....	1,117,725	2,235,450	Washington.....	769,700	1,539,400
Michigan.....	1,403,175	2,806,350	West Virginia.....	871,450	1,742,900
Minnesota.....	928,000	1,856,000	Wisconsin.....	981,850	1,963,700
Mississippi.....	1,166,500	2,333,000	Wyoming.....	453,825	907,650
			Puerto Rico.....	1,171,675	2,343,350
			Virgin Islands.....	816,125	1,632,250

SECTION-BY-SECTION SUMMARY OF THE BILL AS REPORTED

Section 1. Administration and States rights

Subsection (a) provides that the Secretary of Health, Education, and Welfare shall administer the Federal Water Pollution Control Act.

Subsection (b) provides that nothing in this act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters of such States, including, but not limited to, the power, authority, and jurisdiction of such States to enforce State water pollution control laws and regulations.

Section 2. Research

Subsection (a) eliminates the \$100,000 per year limit on appropriations for pollution control advance study research fellowships.

Subsection (b) directs the Secretary to establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out. In addition, the Secretary is directed to conduct research and technical development work, and make studies, with respect to the quality of

the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

Section 3. State program grants

Subsection (a) authorizes increased grants to State and interstate water pollution control agencies for the operation of their programs from \$3 million to \$5 million and extends such authorization through June 30, 1971.

Subsection (b) provides that State programs submitted pursuant to this act set forth the criteria used by the State in determining priority of projects for construction grants.

Section 4. Waste treatment plant construction grants

Subsection (a) provides that no construction grant shall be made for any project in an amount exceeding whichever of the following is the smaller: (a) \$800,000, or (b) the total of 30 percent of the first \$1 million of the reasonable cost of the project as determined by the Secretary, plus 15 percent of the next \$2 million of such cost, plus 10 percent of the remainder of such cost. The grantee must agree to pay the remaining cost. In the case of a project serving more than one municipality, each municipality to be served by such project shall be eligible for a grant based on its share of the estimated reasonable cost of such project, and the total of all the amounts so determined, or \$2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section for a joint project.

Subsection (b) provides that no construction grant shall be made in any State in an amount exceeding \$250,000 until a grant has been made to each project for which an application was filed with the appropriate State water pollution control agency prior to the enactment of this legislation.

Subsection (c) provides for reallocation of construction grant funds of a State that are not obligated for the construction of approved projects within 18 months. These funds would then be reallocated to States which are in a position to go forward with approved projects.

Subsection (d) increases the authorization of appropriations for waste treatment works construction grants from \$50 million to \$100 million annually and the total aggregate authorization from \$500 million to \$1 billion.

Subsection (e) would make the provisions of the Davis-Bacon Act applicable to projects awarded construction grants under this legislation.

Section 5. Water Pollution Control Advisory Board

Subsection (a) continues the existing Federal Water Pollution Control Advisory Board and names as its chairman the Secretary of Health, Education, and Welfare or his designee.

Subsection (b) provides that the term of any Advisory Board member, normally expiring after 3 years, shall be extended until the date on which his successor's appointment is effective.

Section 6. Enforcement measures against pollution of navigable waters

(a) The pollution of navigable waters which endangers the health or welfare of any persons is made subject to abatement.

(b) State and interstate action to abate pollution is encouraged and shall not be displaced by Federal action except as otherwise provided.

(c) A conference, initiating Federal enforcement procedures, must be called—

(1) Upon request of a State or municipality with State concurrence when the pollution endangers the health or welfare of persons in a State other than that in which the discharge originates.

(2) Whenever, on the basis of reports, surveys, and studies, the Secretary has reason to believe that such interstate pollution is occurring.

(3) Upon request of a State or municipality with State concurrence when the pollution is endangering the health or welfare of persons only in the requesting State, unless, in the judgment of the Secretary, the effect of such intrastate pollution is not of such significance to warrant exercise of Federal jurisdiction.

(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least 6 months from the date he makes such recommendations for the taking of such recommended action.

(e) If, at the conclusion of the period so allowed, such remedial action is not taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution is not taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the hearing board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least 3 weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. Such findings and recommendations shall be the findings and recommendations of the Secretary except to the extent, on the basis of the evidence at such hearing, he believes additional or different

findings or recommendations are warranted. The Secretary shall send his findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with an order specifying a reasonable time, but not less than 6 months from the date of issuance of such order, to secure abatement of such pollution in accordance with such findings and recommendations. Such order shall become final on the 60th day after the date of its issuance unless an appeal is taken. The Secretary shall also send a copy of such findings and recommendations and such order to the water pollution control agencies and interstate agencies, if any, attending the hearings as a party of record.

(f) An appeal may be taken from any such order of the Secretary by any person who has been made subject to such order to the U.S. court of appeals for the circuit in which any discharge or discharges causing or contributing to the pollution subject to abatement by such order originates by filing with such court a notice of appeal within 60 days from the date of issuance of the order. The jurisdiction of the court shall attach upon the filing of such notice. A copy of such notice shall forthwith be transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose and to any other person who received a copy of the Secretary's order. The Secretary shall thereupon file in the court the record of the proceedings before the hearing board as provided in section 2112 of title 28, United States Code, together with his findings of fact and recommendations. Such findings of the Secretary, if supported by substantial evidence when considered on the record as a whole, shall be conclusive, but the court for good cause shown may remand the case to the Secretary for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper. The Secretary may thereupon make or cause to be made new or modified findings of fact and recommendations, and he shall file with the court the record of such further proceedings, the new or modified findings and recommendations, and his recommendations, if any, for the setting aside or modification of his original order. Such new or modified findings shall likewise be conclusive if supported by substantial evidence when considered on the record as a whole.

(g) Upon the basis of the record of the proceedings filed with it, the court shall have jurisdiction to enter an order affirming or setting aside, in whole or in part, the order of the Secretary. The judgment of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(h) The U.S. district courts shall have jurisdiction of any civil action brought by the Attorney General at the request of the Secretary to enforce any order issued under this section by the Secretary, or by a U. S. court of appeals.

(i) Members of any hearing board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5

U.S.C. 73b-2) for persons in the Government service employed intermittently.

(j) As used in this section, the term "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State.

(k) As used in this section, the term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

Section 7. Discharges from Federal installations

This section provides that in his summary of any conference pursuant to section 8(c)(3) of this act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 8(e) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the hearing board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such hearing board.

Section 8. Definitions

This section redefines the terms "State" and "interstate waters" as follows:

The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

Section 9. Savings clause

This section provides that abatement procedures in effect prior to the enactment of this act are to continue to be applicable to abatement action underway before the enactment of this bill.

Section 10. Short title

This section provides that the bill may be cited as the "Federal Water Pollution Control Act Amendments of 1961."

MINORITY VIEWS ON H.R. 6441

We, the undersigned members of the Committee on Public Works, are strongly in favor of water conservation and the prevention of water pollution; however, we feel that this bill does not give proper recognition to the responsibilities of the States to participate, along with the Federal Government and municipalities, in the costs of construction of necessary sewage and waste treatment works; that it imposes unwarranted obligation upon the Federal Government to finance the construction of facilities which are the primary responsibility of State and local governments; and that the responsibilities and interests of the States are abrogated beyond reason or necessity by the new Federal enforcement measures to secure abatement of pollution.

GRANTS FOR CONSTRUCTION OF WASTE TREATMENT WORKS

Public Law 660, 84th Congress, authorizes the appropriation of \$50 million for each fiscal year, not to exceed an aggregate of \$500 million, of which total sum \$232,473,000 has been appropriated for fiscal years 1957 through 1961, for the purpose of making grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters. H.R. 6441 would increase this authorization to \$100 million for each fiscal year, not to exceed an aggregate of \$1 billion.

We found no indication that municipalities, or the States, generally are unable to finance the costs of constructing waste treatment works. The problem appears to be primarily one of the priority assigned by municipalities to the construction of sewage treatment works in their capital financing program and the reluctance of most States to assume any responsibility for the construction of treatment works. Justification for Federal construction grants in this field would, therefore, appear to rest primarily on their value as incentives to accelerate needed construction and to motivate the States to recognize and accept their rightful responsibility therefor, rather than on a concept of financial aid to equalize the financial abilities of municipalities and States generally.

No provision is made in existing law or in H.R. 6441 for the States to share in financing the construction grant program. We believe that the States have a primary responsibility in this area; however, only five States (Maryland, Maine, Vermont New Hampshire, and Georgia) have grant programs of an applicable type in operation at this time.

There was evidence before the committee that 5,127 communities serving 42 million people now require sewage treatment plants, plant enlargement, or additional treatment, with the total estimated cost of such backlog municipal waste treatment needs being in excess of \$2 billion. Calculations by the Public Health Service indicate that

the elimination of this backlog in 10 years, together with needs imposed by population growths and obsolescence of existing works, will require an average annual expenditure of \$600 million, or a total of \$6 billion. If this urgent need for treatment works is to be met, it is essential that the States participate in the costs of providing essential treatment facilities.

There was convincing testimony before the committee that subsidized sewage treatment plant construction under the Federal grant program has tended merely to displace unsubsidized construction, and that rather than stimulating construction of treatment plants the Federal grant program has created a sprag and slowdown in the previous rise in municipal expenditures for unsubsidized sewage treatment plants since communities stand in line and wait for their grants, and there isn't enough Federal money to go around.

An increase in the Federal grants, without any requirement for State matching, will merely create an additional displacement of unsubsidized construction and will further tend to hold back rather than stimulate pollution control efforts on the part of the States and municipalities themselves, by promoting the decline in the construction of sewage treatment works independent of Federal grants.

The President of the United States clearly expressed the fallacy of such legislation in his message (Document No. 346, 86th Cong., 2d sess.) disapproving a similar bill (H.R. 3610) enacted by the 86th Congress, to amend the Federal Water Pollution Control Act to increase the annual authorizations for treatment plant construction grants from \$50 million to \$90 million, and to increase the aggregate from \$500 million to \$900 million.

The President said:

Because water pollution is a uniquely local blight, primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised, as it has been, by States and local governments. This being so, the defects of H.R. 3610 are apparent. By holding forth the promise of a large-scale program of long-term Federal support, it would tempt municipalities to delay essential water pollution abatement efforts while they waited for Federal funds.

The rivers and streams of our country are a priceless national asset. I accordingly, favor wholeheartedly appropriate Federal cooperation with States and localities in cleaning up the Nation's waters and in keeping them clean. This administration from the beginning has strongly supported a sound Federal water pollution control program. It has always insisted, however, that the principal responsibility for protecting the quality of our waters must be exercised where it naturally reposes—at the local level.

Polluted water is a threat to the health and well-being of all our citizens. Yet, pollution and its correction are so closely involved with local industrial processes and with public water supply and sewage treatment, that the problem can be successfully met only if State and local governments and industry assume the major responsibility for cleaning up the Nation's rivers and streams.

The Federal Government can help, but it should stimulate State and local action rather than provide excuses for inaction—which an expanded program under H.R. 3610 would do.

The House of Representatives agreed with the President and sustained his veto of the bill.

These objectionable features are now back in H.R. 6441. In fact this bill is even worse, for it authorizes the appropriation of larger sums than the bill vetoed last year.

Furthermore, H.R. 6441 would double the present authorization for construction grants in spite of the fact that Federal loans and grants *are made available for the construction of sewage treatment plants through other Federal programs.*

The Housing and Home Finance Agency, through the Community Facilities Administration, makes loans of Federal funds for periods, up to 40 years for the full cost of construction of public facilities, including sewage-treatment plants, and has made such loans since 1955. These loans are made from a \$150 million revolving fund, which now has an obligated balance of approximately \$57 million. Obviously, if a municipality can have a gift, rather than a loan, of Federal funds it will take the former. The declining attractiveness of Federal loans for the construction of community facilities is reflected in a form letter sent out this past February by the Housing and Home Finance Agency to solicit community applications for loans, the body of which letter is quoted, as follows:

Not too long ago funds were advanced to your community to finance preliminary plans for construction of the facilities identified above. Many other public agencies throughout the country have received similar planning advances. Because of current economic conditions, it is the Government's desire to activate through construction as many of these projects as possible. Both local and national economics will be favorably affected by placing a substantial number of planned projects under construction.

To provide immediate construction financing for planned facilities, the basic interest rates for public facility loans have been reduced to 4½ percent for general obligation bonds and 4¾ percent for revenue bonds. Other policies which in the past restricted public facility loans to water, sewer, and gas projects have also been changed to provide financing for all types of public works, except schools, which the community is interested in placing under immediate construction.

A copy of an information circular which describes the public facility loans program and mimeographed information sheets which outline recent policy changes are enclosed. We believe that you will be interested in reviewing these items. After considering the need for the planned project, you may desire to submit an application for a construction loan. If so, we shall be happy to provide you with application forms and assist in the preparation of an application. Further planning would not likely be needed to support an application for construction financing.

Please advise us as early as possible of your interest in constructing this facility with a loan through this Agency.

The area redevelopment bill, now in conference committee, would establish still another overlapping Federal program. It authorizes \$75 million for grants and \$100 million for loans for public facilities, including sewage-treatment plants.

The duplicity of Federal programs, competing with each other, to give or loan money to municipalities for the construction of public facilities, has reached absurdity. A community wishing to construct a sewage treatment plant may successfully emerge from the confusion of the overlapping and duplicity of these several Federal programs so as to combine their benefits and avoid using any local or State funds for the construction of a sewage treatment project.

Alternate plan

We believe that, rather than compounding the increasing decline in construction of treatment works independent of Federal subsidy which will result from a mere doubling of the amount of funds authorized to be appropriated for Federal grants, as now provided in H.R. 6441, if there is to be any increase in the amount of funds appropriated for Federal grants it should be directed toward providing an effective incentive to accelerate needed construction by offering an inducement to the States to respond to their responsibilities and participate in the cost of treatment plants.

This can be accomplished, without reducing the level of the present construction grant program under existing law, by requiring that State funds match any sums authorized to be appropriated, by H.R. 6441, which are in excess of the \$50 million annual authorization provided in existing law. If enlargement of the Federal grant program to construct local sewage treatment works is inescapable, then it is high time that the States face up to their responsibilities and assist in defraying the costs of such facilities.

It is recognized that most States would have to enact legislation to provide State matching funds if the municipalities of such States would have benefit of additional Federal authorizations under this plan. We feel that a period of 3 years is adequate for the necessary State legislative action, and that the State matching provisions should apply to such additional funds appropriated for fiscal year 1965 and subsequent years.

By requiring that the States match that portion of annual appropriations in excess of \$50 million, authorizations in H.R. 6441 can be reduced from \$100 million to \$75 million per year, while still making \$100 million available annually, by the combination of Federal and State aid, for the construction of local waste treatment works.

Under this plan, the authorization for annual appropriations of Federal funds would be increased by 50 percent, rather than the 100-percent increase now provided by H.R. 6441; the responsibility of the States to share in the cost of constructing local waste treatment works would be highlighted, and an incentive would be offered to secure such State participation; and the sums to be made available to municipalities, including State matching funds, would be the same as that which H.R. 6441 would now provide by Federal grants alone. Furthermore, this new triparty approach to the solution of a predominantly local and State problem can be initiated and carried out

without decreasing or slowing up the Federal grant program under existing law.

Among the reasons for such State participation are these:

(1) State matching of the additional \$25 million annual authorization for Federal grants would result in doubling the present grant-in-aid program, by making a total of \$100 million of Federal and State funds available to municipalities annually.

(2) The requirement of State matching of the additional authorization for Federal grants would result in a more effective screening of project applications, since the State would have a financial interest in such applications. The State, under such a matching arrangement, would want to confine its grants to projects of outstanding merit, most urgently needed, and which involve a real water pollution problem.

(3) Cooperation by the States with the Federal Government would greatly strengthen the water pollution control program.

(4) Local communities would financially benefit by State matching of the additional authorizations for Federal grants. For example, if Federal grants for projects are derived in proportional amounts from the basic \$50 million annual authorization, as contained in existing law, and from the proposed additional \$25 million annual authorization, the State matching funds would be one-third of the amount of the Federal grants, and the amount of local funds required for projects costing \$1 million or less would be reduced from 70 percent of the total project cost, under existing law, to 60 percent of the total cost.

(5) Federal-State matching would give the State a more effective participation in the water pollution control program. Under such a program the rights and responsibilities of the States would be recognized, and there would be a more wholesome atmosphere for Federal-State cooperation.

(6) The enforcement of abatement of pollution is a joint partnership effort of the States and the Federal Government, under existing law, and the States should likewise share in the cost of providing treatment works to eliminate the discharge of pollution matters.

To strengthen the existing water pollution control program, as discussed above, the minority proposes an amendment substantially as follows:

(1) On page 6, line 4, strike out the period and insert in lieu thereof a comma and the following:

and such subsection (b) is further amended by adding at the end thereof the following new sentence:

"If the total of all appropriations, made under authority of this section, for any fiscal year which begins after June 30, 1964, exceed \$50,000,000, no grant shall be made for any project from that portion of the appropriation in excess of \$50,000,000 which is allocated to any State unless such State shall pay toward the cost of such project an amount equal to the Federal contribution made to such project from such amount in excess of \$50,000,000."

and

(2) On page 6, line 23, and on page 24, line 1, strike out "\$100,000,000" and insert in lieu thereof "\$75,000,000", and on page 7, line 2, strike out "\$1,000,000,000" and insert in lieu thereof "\$750,000,000".

This proposal would amend H.R. 6441 by reducing the authorization for annual appropriations for construction grants from \$100 million to \$75 million, and the aggregate from \$1 billion to \$750 million, thus authorizing the annual appropriation of \$25 million more than the \$50 million authorized by existing law. It would require State matching of that part of any grant made from an allotment from the additional \$25 million authorized to be appropriated for fiscal year 1965 and subsequent years. Grants made from allotments from the entire \$75 million appropriated for fiscal years prior to 1965, and that part of any grants made from allotments from the first \$50 million appropriated for fiscal year 1965 and subsequent years, would not require any matching by State funds. This modification of H.R. 6441 would postpone the requirement for State matching for 3 years to allow time for the State legislatures to provide State funds. Commencing with fiscal year 1965, if a State should not supply matching funds, the Federal construction grant program would continue in that State at the present level; whereas any State supplying the required matching funds will receive a 50-percent increase in Federal funds, which, when added to the State matching funds, will double the money for construction of treatment plants.

The minority offered this proposal in committee, along with several other amendments designed to bring Federal, State, and local participation in the costs of construction projects into more appropriate and realistic balance. This proposal and most of the other amendments, including one to limit the maximum amount of Federal construction grants to 30 percent of the estimated cost of any project or \$400,000, whichever is the smaller, were rejected by the committee in favor of the increased Federal spending provisions now contained in the bill.

ENFORCEMENT MEASURES FOR POLLUTION ABATEMENT

The new enforcement measures are explained in the committee report, and it is unnecessary to repeat them here, except to point out their threefold import: First, *to extend Federal enforcement jurisdiction to all waters and to any pollution which endangers the health or welfare of any person*; second, to make the order of the Secretary of Health, Education, and Welfare, relative to abatement of pollution, a final order, unless an appeal is taken to the U.S. circuit court of appeals, in which event the court's review is limited to the record of the proceedings below, and the findings of the Secretary, if supported by substantial evidence, are conclusive; and, third, to provide for enforcement of the Secretary's order by the U.S. district courts, in a civil action brought by the Attorney General of the United States at the request of the Secretary, without any requirement, as in existing law, for the consent or request of an interested State.

Federal enforcement to secure abatement of pollution, under existing law, is applicable only to pollution of *interstate* waters which endanger the health or welfare of persons in a *State other than that in which the discharge originates*. Thus, both the waters involved and the pollution itself must be interstate in character as prerequisites to Federal enforcement jurisdiction.

H.R. 6441 eliminates both of these requirements for Federal enforcement. The provisions of existing law limiting all Federal jurisdiction to interstate pollution is removed completely. And by the substitution

of "navigable" for "interstate" waters, Federal enforcement jurisdiction will no longer be restricted to waters that flow across, or form a part of, State boundaries. This means that the Federal Government, under the provisions of H.R. 6441, may enforce the abatement of either interstate or intrastate pollution of waters which are, or can be made, navigable, whether such waters flow across, or form part of, State boundaries or are confined within the boundaries of a single State, and irrespective of whether the matter causing or contributing to the pollution is discharged directly into such waters or reaches such waters after discharge into a tributary thereof. *Thus, for all practical purposes, the new Federal enforcement provisions apply to all waters in every State.*

This far-reaching extension of Federal jurisdiction takes on real significance when viewed in light of other changes made in the enforcement provisions. Under existing law, the Secretary is authorized *only* to make findings and recommendations relative to pollution and its abatement, and any enforceable order must be issued by a court based upon the court's determination of the facts. H.R. 6441 authorizes the Secretary to issue orders which become final unless an appeal is taken to the U.S. court of appeals within 60 days, and, in the event of appeal, the court's review is limited to the record of the proceedings below, and the findings of the Secretary are conclusive, if supported by substantial evidence when considered on the record as a whole. H.R. 6441 also removes the requirement in existing law that the Secretary's request to the Attorney General to bring suit to enforce abatement of pollution be with the written consent of the State where the matter causing or contributing to the pollution is discharged or at the written request of the State where the health or welfare of persons is endangered by such pollution.

The combined effect of these changes is to vest the Secretary with authority to issue abatement orders which, in substance, have the dignity, finality, and enforceability of court orders, and which may be enforced by suits brought in the U.S. district courts without the concurrence or request of any interested State. The application of such plenary Federal power to abate what is clearly local and intrastate pollution of waters which are confined to a single State raises a serious policy question.

We fully support strong Federal enforcement measures, including the issuance of final orders by the Secretary and their enforcement in the courts, where a valid Federal interest exists. In fact, we are of the opinion that effective enforcement through the combined efforts of Federal, State, and local authorization is a greater stimulus to the cleaning up of water than is the Federal grant program for construction of treatment works. However, we do not believe that sufficient Federal interest exists to justify the Federal Government to take over a State's responsibility and to substitute Federal enforcement for State enforcement where the pollution and its effects are entirely intrastate and do not affect interstate waters, with its abatement being within the jurisdiction of a single State.

We feel that local, State, and regional authorities are capable of doing their own jobs, and that they are better qualified to solve these local matters than some Federal officials in Washington. The Federal Government should encourage and promote effective State and local

enforcement, rather than undermining it by substituting Federal enforcement in purely intrastate and local situations.

Therefore, we believe that the provisions of existing law which limits application of Federal abatement enforcement measures to "interstate" waters should be continued in force. Since the committee desires to use the term "navigable," we have no objection to making the enforcement provisions apply to "interstate navigable" waters, which was also the recommendation contained in proposed legislation submitted to the Congress by the Department of Health, Education, and Welfare, on January 18, 1961. The minority proposes an amendment substantially as follows:

On page 8, line 8, after "of" insert "interstate".

This proposal would amend H.R. 6441 to make "interstate navigable" waters, rather than "navigable" waters, subject to abatement of pollution by the Federal enforcement measures contained in section 8 of the bill.

PLAN TO IMPROVE PROGRAM FOR CONTROL AND PREVENTION OF WATER POLLUTION

To accomplish the purposes of amendments offered by Congressman William C. Cramer in committee, but which were not agreed to, the minority will seek to modify H.R. 6441, as amended, and reported to the House, to provide for State matching of that portion of the total of all appropriations for any fiscal year beginning after June 30, 1964, which exceed \$50 million, and to limit the Federal enforcement measures contained in the bill to the abatement of pollution of "interstate navigable" waters. The minority will also seek to reduce the authorization for annual appropriations for Federal grants for construction of waste treatment works to \$75 million, and the aggregate to \$750 million.

JAMES C. AUCHINCLOSS.
GORDON H. SCHERER.
WILLIAM C. CRAMER.
FRED SCHWENGEL.
HOWARD W. ROBISON.
PERKINS BASS.
WALTER L. McVEY.
CARLETON J. KING.
WILLIAM H. HARSHA, Jr.
JAMES HARVEY.

SUPPLEMENTAL MINORITY VIEWS ON H.R. 6441

Whenever a legislator opposes any of the provisions of a Federal pollution bill, he is immediately charged by the pressure groups with being insensible to the health and welfare of millions of Americans. Of course, this type of pressure tactics is not only applied to pollution legislation.

As an example, those of us who oppose Federal aid to education are charged with being insensible to the needs of our children, inconsiderate of the welfare of our teachers and the scientific educational needs of the country. As a result, many harmful, unwise, and costly provisions are engineered into basically needed and worthwhile legislation by special interest groups and welfare staters.

Let me say at the outset that there is no question but that for years local communities and industries have wantonly dumped their untreated refuse into the streams of this country because it always appeared that it was the fellow downstream who had to worry and contend with it. However, when the worm turned and the pollutor became the man downstream, the country generally began to realize that it had a serious problem of such magnitude that drastic legislation, both at the State and Federal level, was needed to stop this pollution.

The Senate in 1956 passed a water pollution control bill which put teeth into enforcement and control provisions. The power of the Federal Government was utilized to compel pollutors in one State to desist upon complaint of another State's being harmed. Research programs by the Federal Government were broadened. The techniques for the treatment of wastes developed by these research programs were made available to the States, local communities, and industries. Legislation such as this was vitally needed, and no sensible person opposed it.

However, when this bill reached the House, those who believe that the Federal Government should inject itself into almost every activity of American life, those who believe that the Federal Treasury is inexhaustible, inserted in the House bill a brand-new grant-in-aid program direct to local communities. The States were bypassed in this new Federal pork-barrel handout.

It is usually the bureaucrats and Federal agencies that conceive these new spending programs. The then President vigorously opposed this new grant-in-aid program. However, some of the professional bureaucrats in HEW secretly wanted it. This is the nature of a meddlesome bureaucracy.

The proponents of this amendment to the Senate bill argued that these grants-in-aid to the local communities would stimulate construction, that local communities could not afford these costly sewage treatment plants—as if the Federal Government could. No State, no local community, in fact, no nation of the world, was and is as broke as the United States. Remember, our debt today is \$50

billion more than the combined debt of all of the States and all of the nations of the world.

Those of us who opposed this new and novel aid program direct to local communities pointed out that the \$50 million a year Federal grant-in-aid money provided in the 1956 House bill was another "foot in the door" spending program; that, in view of the tremendous cost of sewage disposal treatment plants, \$50 million a year was only a drop in the bucket. It was pointed out that the city of Cincinnati which had built its own sewage disposal treatment plants and arranged to pay for them without Federal help by a tax on the water bills of users, had spent \$62 million; that the \$50 million Federal funds authorized in that bill was a snare and a delusion; that once the Federal Government injected itself into this program the funds required from the Federal Treasury would eventually reach astronomical heights.

Last year the Congress increased the amount to \$90 million a year and the President vetoed the bill. The House sustained that veto. The President said in his veto message that he was vetoing it because—

water pollution is a uniquely local blight; that primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised as it has been by State and local government.

Of course, the President was right.

Local and State governments which set their minds to doing this job have done it and have done it effectively. The eight States in the Ohio River Valley under a compact created the Ohio River Valley Water Sanitation Commission. Under it the cities, villages, and towns in that great industrial valley, had been doing a remarkable job in eliminating pollution without cost to the Federal Government.

The proponents of Federal aid argue that it has been the grant-in-aid program that has stimulated the spending of money on sewage treatment plants. Certainly more money has been spent in the last number of years on sewage disposal facilities, but it has not been Federal aid money that has caused the increase in expenditures. Rather it has been the teeth that were put into the law that caused communities to act. The great bulk of the money spent on sewage treatment facilities has been spent by communities that have had no Federal subsidies. In fact, the average Federal subsidy to a local community has been only about \$75,000. The limit under the present law is \$250,000 to any community. Considering the high cost of sewage treatment plants, only the extremely small communities can receive in Federal moneys a substantial part of the costs.

The bill before the House, of course, increases the authorization to \$100 million a year and also increases the amount any one community may receive. Next year I predict that there will again be legislation offered to further raise the annual authorizations, and that year after year there will be requests for additional increase in authorizations.

It should be obvious that this is what is going to happen. Instead of these Federal subsidies stimulating the building of these plants by local communities, it will delay them because as we increase the maximum authorization for cities, more and more of them will get in line with hat in hand for Federal handouts. They will drag their feet,

knowing that Congress the following year will make more Federal moneys available so that they can get their share.

The President last year in vetoing an increase in authorizations supported this position. He said:

By holding forth the promise of a large-scale program of long-term Federal support, it will tempt municipalities to delay essential water pollution abatement efforts while they wait for Federal funds.

The Scripps-Howard newspapers, in commenting on last year's antipollution bill which was eventually vetoed, effectively stated the case when they said:

If the Federal Government permitted the States and cities to mind their own affairs, and if the Federal Government didn't tax these same States and cities so heavily to pay for Federal "benefits," then the States and cities could levy their own taxes to pay for their own benefits, and, under local supervision and responsibility to the local taxpayers, the cities and States could do their chores a great deal better and a lot cheaper.

The Federal program to build local sewage treatment plants is just one instance * * *.

Now a bill is ready for action on the House floor, proposing to spend \$100 million a year—running up the cost of this program \$400 million in the next 8 years.

It is free-spending ideas like this which run up taxes * * *.

This new \$400 million giveaway should be defeated and if Congress, despite this year's \$13 billion deficit, passes it, it should be vetoed.

It was vetoed. The veto was sustained by the House. This year, however, bureauerats in HEW have had their way. An amendment to keep the authorizations at the present level of \$50 million a year will no doubt fail. The increased Federal handouts will be approved by the Congress. The President will sign the bill and the sky in the next few years will be the limit.

GORDON H. SCHERER,
Member of Congress.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT (PUBLIC LAW 660, 84TH CONGRESS)

AN ACT to provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes

DECLARATION OF POLICY

SECTION 1. (a) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. **【To this end, the Surgeon General of the Public Health Service shall administer this Act through the Public Health Service and under the supervision and direction of the Secretary of Health, Education, and Welfare.】** *To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the "Secretary") shall administer this Act.*

(b) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters **【(including boundary waters)】** of such States, *including but not limited to the power, authority, and jurisdiction of such States to enforce State water pollution control laws and regulations.*

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 2. The **【Surgeon General】** *Secretary* shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the pur-

pose of this section, the **【Surgeon General】** *Secretary* is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 3. (a) The **【Surgeon General】** *Secretary* shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 4. (a) The **【Surgeon General】** *Secretary* shall conduct in the **【Public Health Service】** *Department of Health, Education, and Welfare* and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the **【Surgeon General】** *Secretary* is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the **【Public Health Service】** *Department of Health, Education, and Welfare* with such stipends and allowances, including traveling and

subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships¹: *Provided*, That the total sum authorized to be appropriated for any fiscal year for fellowships pursuant to this subparagraph shall not exceed \$100,000²; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications³; and

(b) The ⁴ [Surgeon General] *Secretary* may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The ⁵ [Surgeon General] *Secretary* shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) *The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.*

(e) *The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.*

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 5. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, \$3,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, \$5,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate

agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the **【Surgeon General】** *Secretary* shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the **【Surgeon General】** *Secretary* shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the **【Surgeon General】** *Secretary* shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the **【Surgeon General】** *Secretary* finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The **【Surgeon General】** *Secretary* shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the **【Surgeon General】** *Secretary* may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution; **【and】**

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan **【.】**, and

(6) *sets forth the criteria used by the State in determining priority of projects as provided in section 6(b)(4).*

The **【Surgeon General】** *Secretary* shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the **Surgeon General** *Secretary*, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement, the **Surgeon General** *Secretary* shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the **Surgeon General** *Secretary* shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the **Surgeon General's** *Secretary's* action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the **Surgeon General** *Secretary*, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the **Surgeon General** *Secretary* to take further evidence, and the **Surgeon General** *Secretary* may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the **Surgeon General** *Secretary* or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the **Surgeon General** *Secretary* between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Federal shares promulgated by the **Surgeon General** *Secretary* pursuant to section 4 of the Water Pollution Control Act Amendments of 1956,

shall be conclusive for the period beginning July 1, 1956, and ending June 30, 1959.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States." Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The **[Surgeon General]** *Secretary* shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the **[Surgeon General]** *Secretary* may find necessary.

(2) The **[Surgeon General]** *Secretary* shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the **[Surgeon General]** *Secretary* may determine.

SEC. 6. (a) The **[Surgeon General]** *Secretary* is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the **[Surgeon General]** *Secretary* and unless such project is included in a comprehensive program developed pursuant to this Act; (2) [no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Surgeon General or in an amount exceeding \$250,000, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining

cost;] No grant shall be made for any project in an amount exceeding whichever of the following is the smaller: (A) \$800,000, or (B) the total of 30 per centum of the first \$1,000,000 of the reasonable cost of the project as determined by the Secretary, plus 15 per centum of the next \$2,000,000 of such cost, plus 10 per centum of the remainder of such cost: Provided, That the grantee agrees to pay the remaining cost: Provided further, That in the case of a project which will serve more than one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the foregoing limitations in this clause to each such share as if it were a separate project to determine the maximum amount of any grant which may be made under this section with respect to each such share, and the total of all the amounts so determined or \$2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for purposes of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the [Surgeon General] Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; [and] (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; and (5) no grant shall be made for any project under this section in any State in an amount exceeding \$250,000 until a grant has been made thereunder for each project (A) for which an application was filed with the appropriate State water pollution control agency prior to the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to such date of enactment.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the [Surgeon General] Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for any fiscal year shall be allotted by the [Surgeon General] Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. The allotment of a State under the preceding sentence shall be available, in accordance with

the provisions of this section, for payments with respect to projects in such State which have been approved under this section **[.]**, *except that any such allotment which is not obligated within six months following the end of the fiscal year for which it was made because of a lack of projects which have been approved under subsection (b)(1) of this section, or certified as entitled to priority under subsection (b)(4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him. Any amount made available to a State by reallocations under the preceding sentence shall be in addition to amounts otherwise allotted to such State under this section, and shall be available for payments with respect to projects in such State which have been approved under this section prior to the close of the fiscal year following the year for which the original allotment was made.* For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year the sum of **[\$50,000,000]** *\$100,000,000* for the purpose of making grants under this section: *Provided*, That the aggregate of sums so appropriated shall not exceed **[\$500,000,000]** *\$1,000,000,000*. Sums so appropriated shall remain available until expended: *Provided*, That at least 50 per centum of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The **[Surgeon General]** *Secretary* shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigation and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) *The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C. 276a through 276a-5).*

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 7. (a) (1) [There is hereby established in the Public Health Service a Water Pollution Control Advisory Board, composed of the Surgeon General or a sanitary engineer officer designated by him, who shall be chairman, and nine members appointed by the President none of whom shall be Federal officers or employees.] *There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees.* The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2) (A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, *and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective.* None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term, but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the [Surgeon General] *Secretary*, shall be entitled to receive compensation at a rate to be fixed by the Secretary [of Health, Education, and Welfare], but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the [Surgeon General] *Secretary* on matters of policy relating to the activities and functions of the [Surgeon General] *Secretary* under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the [Public Health Service] *Department of Health, Education, and Welfare.*

ENFORCEMENT MEASURES AGAINST POLLUTION OF [INTERSTATE]
NAVIGABLE WATERS

SEC. 8. (a) The pollution of [interstate] *navigable* waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of *any* persons [in a State other than that in which the discharge originates], shall be subject to abatement as [herein] provided *in this Act*.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of [interstate] *navigable* waters shall be encouraged and shall not [, except as otherwise provided by or pursuant to court order under subsection (g),] be displaced by Federal enforcement action *except as otherwise provided by or pursuant to a final order issued in accordance with subsection (e) of this section or a court order under subsection (g) of this section*.

(c)(1) [Whenever the Surgeon General, on the basis of reports, surveys, or studies, has reason to believe that any pollution referred to in subsection (a) is occurring, or whenever requested by a State water pollution control agency or the Governor of any State, he shall give formal notification of any such pollution to the State water pollution control agency and interstate agency, if any, of the State or States where the discharge or discharges causing or contributing to such pollution originates and shall call promptly a conference of the State water pollution control agencies and interstate agencies, if any, of the State or States where the discharge or discharges causing or contributing to such pollution originates and of the State or States claiming to be adversely affected by such pollution.] *Whenever requested by the Governor of any State, a State water pollution control agency, or (with the concurrence of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, a State water pollution control agency, or (with the concurrence of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the requesting State where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the requesting State. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason*

to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring.

(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(3) Following this conference, the [Surgeon General] *Secretary* shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of [interstate] *navigable* waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(d) If the [Surgeon General] *Secretary* believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of *any* persons [in a State other than that in which the discharge originates] is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The [Surgeon General is to] *Secretary* shall allow at least six months *from the date he makes such recommendations* for the taking of such *recommended* action.

(e) [If such] *If, at the conclusion of the period so allowed, such remedial action is not taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution is not taken, the Secretary [of Health, Education, and Welfare]* shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a [board] *Hearing Board* of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the [board] *Hearing Board* and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the [board] *Hearing Board* shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the [board] *Hearing Board* shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the [board] *Hearing Board* finds such pollution is occurring and effective progress toward abatement is not being made it shall make recommendations to the Secretary [of Health, Education, and Welfare] concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. *Such findings and recommendations shall be the findings and recommendations of the Secretary except to the extent, on the basis of the evidence at such hearing, he believes additional or different findings or recommendations are warranted.* The Secretary shall send [such] *his* findings and recommendations to the person or persons discharging any matter causing or contributing to such pollu-

tion, together with [a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency, and to the interstate agency, if any, of the State or States where such discharge or discharges originate.] *an order specifying a reasonable time, but not less than six months from the date of issuance of such order, to secure abatement of such pollution in accordance with such findings and recommendations. Such order shall become final on the sixtieth day after the date of its issuance unless an appeal is taken as provided in subsection (b). The Secretary shall also send a copy of such findings and recommendations and such order to the water pollution control agencies and interstate agencies, if any, attending the hearings as a party of record.*

[(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary of Health, Education, and Welfare, with the written consent of the State water pollution control agency (or any officer or employee authorized to give such consent) of the State or States where the matter causing or contributing to the pollution is discharged or at the written request of the State water pollution control agency (or any officer or employee authorized to make such request) of any other State or States where the health or welfare of persons is endangered by such pollution, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

[(g) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.]

(f) *An appeal may be taken from any such order of the Secretary by any person who has been made subject to such order to the United States court of appeals for the circuit in which any discharge or discharges causing or contributing to the pollution subject to abatement by such order originates by filing with such court a notice of appeal within sixty days from the date of issuance of the order. The jurisdiction of the court shall attach upon the filing of such notice. A copy of such notice shall forthwith be transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose and to any other person who received a copy of the Secretary's order. The Secretary shall thereupon file in the court the record of the proceedings before the Hearing Board as provided in section 2112 of title 28, United States Code, together with his findings of fact and recommendations. Such findings of the Secretary, if supported by substantial evidence when considered on the record as a whole, shall be conclusive, but the court for good cause shown may remand the case to the Secretary for the taking of additional evidence in such manner and upon such terms and conditions as the court may deem proper. The Secretary may thereupon make or cause to be made new or modified findings of fact and recommendations, and he shall file with the court the record of such further proceedings, the new or modified findings and recommendations, and his recommendations, if any, for the setting aside*

or modification of his original order. Such new or modified findings shall likewise be conclusive if supported by substantial evidence when considered on the record as a whole.

(g) Upon the basis of the record of the proceedings filed with it, the court shall have jurisdiction to enter an order affirming or setting aside, in whole or in part, the order of the Secretary. The judgment of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(h) The United States district courts shall have jurisdiction of any civil action brought by the Attorney General at the request of the Secretary to enforce any order issued under this section by the Secretary, or by a United States court of appeals.

(i) Members of any Hearing Board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

[(h)] (j) As used in this section, the term "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of [the] a State.

(k) As used in this section, the term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

SEC. 9. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section 8(c)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 8(e) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.

ADMINISTRATION

SEC. 10. (a) The [Surgeon General] *Secretary* is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. [All regulations of the Surgeon General under this Act shall be subject to the approval of the Secretary of Health, Education, and Welfare. The Surgeon General may delegate to any officer or employee of the Public Health Service such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.]

(b) The Secretary [of Health, Education, and Welfare], with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

DEFINITIONS

SEC. 11. When used in this Act—

(a) The term “State water pollution control agency” means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term “interstate agency” means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term “treatment works” means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term “State” means a State, the District of Columbia, the *Commonwealth of Puerto Rico*, [or] the Virgin Islands, and *Guam*.

(e) The term “interstate waters” means all rivers, lake, and other waters that flow across[,] or form a part of[,] boundaries between two or more States] *State boundaries, including coastal waters*.

(f) The term “municipality” means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

OTHER AUTHORITY NOT AFFECTED

SEC. 12. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes," approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. 3. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SHORT TITLE

SEC. 14. This Act may be cited as the "Federal Water Pollution Control Act".



87TH CONGRESS
1ST SESSION

H. R. 6441

[Report No. 306]

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 1961

Mr. BLATNIK introduced the following bill; which was referred to the Committee on Public Works

APRIL 25, 1961

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) the last sentence of section 1(a) of the Fed-
4 eral Water Pollution Control Act (33 U.S.C. 466(a)) is
5 amended to read as follows: "To this end, the Secretary of
6 Health, Education, and Welfare (hereinafter in this Act
7 called the 'Secretary') shall administer this Act."

8 (b) Section 1(b) of such Act is amended to read as
9 follows:

10 “(b) Nothing in this Act shall be construed as impairing

1 or in any manner affecting any right or jurisdiction of the
 2 States with respect to the waters of such States, including
 3 but not limited to the power, authority, and jurisdiction of
 4 such States to enforce State water pollution control laws and
 5 regulations.”

6 (c) Sections 2, 3, 4, 5, 6, 7, ~~and 8~~ and 7 and the first
 7 sentence of section 10 (a) of such Act are each amended
 8 by striking out “Surgeon General” and “Surgeon Gen-
 9 eral’s” wherever they appear therein and inserting in lieu
 10 thereof “Secretary” and “Secretary’s”, respectively.

11 (d) Sections 4 (a) and 7 (c) of such Act are each
 12 amended by striking out “Public Health Service” and in-
 13 serting in lieu thereof “Department of Health, Education,
 14 and Welfare”.

15 (e) Sections 7 (a) (2) (B) and 10 (b) are each
 16 amended by striking out “Secretary of Health, Education,
 17 and Welfare” and inserting in lieu thereof “Secretary”.

18 (f) Section 10 (a) of such Act is amended by striking
 19 out the second and third sentences thereof.

20 SEC. 2. (a) Subsection (a) of section 4 of the Federal
 21 Water Pollution Control Act is amended by striking out in
 22 paragraph (4) thereof the following: “: *Provided*, That the
 23 total sum authorized to be appropriated for any fiscal year
 24 for fellowships pursuant to this subparagraph shall not ex-
 25 ceed \$100,000;~~and~~”.

1 ~~(b)~~ Paragraph ~~(5)~~ of subsection ~~(a)~~ of section 4 is
2 amended by striking out the period at the end thereof and
3 inserting in lieu thereof the following: “; and”.

4 ~~(e)~~ *(b)* Section 4 is further amended by adding at the
5 end thereof the following new subsections:

6 “(d) The Secretary shall establish, equip, and maintain
7 field laboratory and research facilities, including, but not lim-
8 ited to, one to be located in the northeastern area of the
9 United States, one in the southeastern area, one in the mid-
10 western area, one in the southwestern area, one in the Pa-
11 cific Northwest, and one in the State of Alaska, for the con-
12 duct of research, investigations, experiments, field demon-
13 strations and studies, and training relating to the prevention
14 and control of water pollution. Insofar as practicable, each
15 such facility shall be located near institutions of higher learn-
16 ing in which graduate training in such research might be
17 carried out.

18 “(e) The Secretary shall conduct research and techni-
19 cal development work, and make studies, with respect to
20 the quality of the waters of the Great Lakes, including an
21 analysis of the present and projected future water quality
22 of the Great Lakes under varying conditions of waste treat-
23 ment and disposal, an evaluation of the water quality needs
24 of those to be served by such waters, an evaluation of municipi-
25 pal, industrial, and vessel waste treatment and disposal prac-

1 tices with respect to such waters, and a study of alternate
 2 means of solving water pollution problems (including addi-
 3 tional waste treatment measures) with respect to such
 4 waters.”

5 SEC. 3. (a) Subsection (a) of section 5 of the Federal
 6 Water Pollution Control Act is amended by inserting im-
 7 mediately following “June 30, 1961, \$3,000,000” the fol-
 8 lowing: “, and for each succeeding fiscal year to and in-
 9 cluding the fiscal year ending June 30, 1971, \$5,000,000”.

10 (b) Subsection (f) of section 5 of the Federal Water
 11 Pollution Control Act is amended by striking out “and” at
 12 the end of paragraph 4(4) thereof, by striking out the period
 13 at the end of paragraph 5(5) thereof and inserting in lieu
 14 thereof the following: “, and” “; and” and by adding after
 15 such paragraph 5(5) the following new paragraph:

16 “(6) sets forth the criteria used by the State in
 17 determining priority of projects as provided in section
 18 6 (b) (4).”

19 SEC. 4. (a) Subsection (b) (2) of section 6 of the
 20 Federal Water Pollution Control Act is amended to read as
 21 follows:

22 “~~(2)~~ No grant shall be made for any project in an amount
 23 follows: “(2) no grant shall be made for any project in an
 24 amount exceeding whichever of the following is the smaller:
 25 (A) \$800,000, or (B) the total of 30 per centum of the first

\$1,000,000 of the reasonable cost of the project as determined by the Secretary, plus 15 per centum of the next \$2,000,000 of such cost, plus 10 per centum of the remainder of such cost: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That in the case of a project which will serve more than one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the foregoing limitations in this clause to each such share as if it were a separate project to determine the maximum amount of any grant which may be made under this section with respect to each such share, and the total of all the amounts so determined or \$2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for purposes of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works”.

(b) Subsection (b) of such section is further amended by striking out “and” after clause (3) and by inserting before the period at the end of clause (4): “; and (5) no grant shall be made for any project under this section in any State in an amount exceeding \$250,000 until a grant

1 has been made thereunder for each project (A) for which
2 an application was filed with the appropriate State water
3 pollution control agency prior to the date of enactment of
4 this clause and (B) which the Secretary determines met
5 the requirements of this section and regulations thereunder
6 as in effect prior to such date of enactment”.

7 (c) The third sentence of subsection (c) of such section
8 is amended by striking out the final period and inserting in
9 lieu thereof the following: “, except that any such allotment
10 which is not obligated within six months following the end
11 of the fiscal year for which it was made because of a lack
12 of projects which have been approved under subsection
13 (b) (1) of this section, or certified as entitled to priority
14 under subsection (b) (4) of this section, shall be reallocated
15 by the Secretary, on such basis as he determines to be rea-
16 sonable and equitable and in accordance with regulations
17 promulgated by him. Any amount made available to a State
18 by reallocations under the preceding sentence shall be in
19 addition to amounts otherwise allotted to such State under
20 this section, and shall be available for payments with respect
21 to projects in such State which have been approved under
22 this section prior to the close of the fiscal year following the
23 year for which the original allotment was made.”

1 (d) Subsection (d) of such section is amended by strik-
2 ing out “\$50,000,000” and inserting in lieu thereof “\$100,-
3 000,000”, and by striking out “\$500,000,000” and insert-
4 ing in lieu thereof “\$1,000,000,000”.

5 (e) Such section is further amended by adding at the
6 end thereof the following new subsection:

7 “(f) The Secretary shall take such action as may
8 be necessary to insure that all laborers and mechanics em-
9 ployed by contractors or subcontractors on projects for which
10 grants are made under this section shall be paid wages at
11 rates not less than those prevailing on the same type of work
12 on similar construction in the immediate locality, as deter-
13 mined by the Secretary of Labor, in accordance with the Act
14 of March 3, 1931, as amended, known as the Davis-Bacon
15 Act (46 Stat. 1494; 40 U.S.C. 276a through 276a-5).”

16 SEC. 5. (a) The first sentence of subsection (a) (1)
17 of section 7 of the Federal Water Pollution Control Act
18 is amended to read as follows: “There is hereby established
19 in the Department of Health, Education, and Welfare, a
20 Water Pollution Control Advisory Board, composed of the
21 Secretary or his designee, who shall be chairman, and nine
22 members appointed by the President, none of whom shall be
23 Federal officers or employees.”

1 (b) The first sentence of subsection (a) (2) (A) of
2 such section 7 is amended by inserting before the period at
3 the end thereof: “, and (iii) the term of any member under
4 the preceding provisions shall be extended until the date
5 on which his successor’s appointment is effective”.

6 SEC. 6. Section 8 of the Federal Water Pollution Con-
7 trol Act is amended to read as follows:

8 “ENFORCEMENT MEASURES AGAINST POLLUTION OF
9 NAVIGABLE WATERS

10 “SEC. 8. (a) The pollution of navigable waters in or
11 adjacent to any State or States (whether the matter causing
12 or contributing to such pollution is discharged directly into
13 such waters or reaches such waters after discharge into a
14 tributary of such waters), which endangers the health or
15 welfare of any persons, shall be subject to abatement as
16 provided in this Act.

17 “(b) Consistent with the policy declaration of this Act,
18 State and interstate action to abate pollution of navigable
19 waters shall be encouraged and shall not be displaced by
20 Federal enforcement action except as otherwise provided by
21 or pursuant to a final order issued in accordance with sub-
22 section (e) of this section or a court order under subsection
23 (g) of this section.

24 “(c) (1) Whenever requested by the Governor of any
25 State, a State water pollution control agency, or (with

1 the concurrence of the State water pollution control agency
2 for the State in which the municipality is situated) the gov-
3 erning body of any municipality, the Secretary shall, if such
4 request refers to pollution of navigable waters which is en-
5 dangering the health or welfare of persons in a State other
6 than that in which the discharge or discharges (causing or
7 contributing to such pollution) originates, give formal notifi-
8 cation thereof to the water pollution control agency and in-
9 terstate agency, if any, of the State or States where such
10 discharge or discharges originate and shall call promptly
11 a conference of such agency or agencies and of the State
12 water pollution control agency and interstate agency, if
13 any, of the State or States, if any, which may be adversely
14 affected by such pollution. Whenever requested by the Gov-
15 ernor of any State, a State water pollution control agency,
16 or (with the concurrence of the State water pollution
17 control agency for the State in which the municipality is
18 situated) the governing body of any municipality, the Sec-
19 retary shall, if such request refers to pollution of navigable
20 waters which is endangering the health or welfare of per-
21 sons only in the requesting State in which the discharge or
22 discharges (causing or contributing to such pollution) origi-
23 nates, give formal notification thereof to the water pollution
24 control agency and interstate agency, if any, of the request-

1 ing State where such discharge or discharges originate and
2 shall promptly call a conference of such agency or agencies
3 and of the State water pollution control agency and inter-
4 state agency, if any, of the requesting State, *unless, in the*
5 *judgment of the Secretary, the effect of such pollution on*
6 *the legitimate uses of the waters is not of such significance*
7 *to warrant exercise of Federal jurisdiction under this section.*

8 The Secretary shall also call such a conference whenever, on
9 the basis of reports, surveys, or studies, he has reason to
10 believe that any pollution referred to in subsection (a) and
11 endangering the health or welfare of persons in a State other
12 than that in which the discharge or discharges originate is
13 occurring.

14 “(2) The agencies called to attend such conference may
15 bring such persons as they desire to the conference. Not
16 less than three weeks’ prior notice of the conference date
17 shall be given to such agencies.

18 “(3) Following this conference, the Secretary shall
19 prepare and forward to all the water pollution control agen-
20 cies attending the conference a summary of conference
21 discussions including (A) occurrence of pollution of navi-
22 gable waters subject to abatement under this Act; (B)
23 adequacy of measures taken toward abatement of the pollu-
24 tion; and (C) nature of delays, if any, being encountered
25 in abating the pollution.

1 “(d) If the Secretary believes, upon the conclusion of
2 the conference or thereafter, that effective progress toward
3 abatement of such pollution is not being made and that the
4 health or welfare of any persons is being endangered, he shall
5 recommend to the appropriate State water pollution control
6 agency that it take necessary remedial action. The Sec-
7 retary shall allow at least six months from the date he makes
8 such recommendations for the taking of such recommended
9 action.

10 “(e) If, at the conclusion of the period so allowed, such
11 remedial action is not taken or action which in the judg-
12 ment of the Secretary is reasonably calculated to secure
13 abatement of such pollution is not taken, the Secretary shall
14 call a public hearing, to be held in or near one or more of the
15 places where the discharge or discharges causing or con-
16 tributing to such pollution originated, before a Hearing Board
17 of five or more persons appointed by the Secretary. Each
18 State in which any discharge causing or contributing to such
19 pollution originates and each State claiming to be adversely
20 affected by such pollution shall be given an opportunity to
21 select one member of the Hearing Board and at least one
22 member shall be a representative of the Department of Com-
23 merce, and not less than a majority of the Hearing Board
24 shall be persons other than officers or employees of the De-
25 partment of Health, Education, and Welfare. At least

1 three weeks' prior notice of such hearing shall be given to
2 the State water pollution control agencies and interstate
3 agencies, if any, called to attend the aforesaid hearing and
4 the alleged polluter or polluters. On the basis of the evi-
5 dence presented at such hearing, the Hearing Board shall
6 make findings as to whether pollution referred to in sub-
7 section (a) is occurring and whether effective progress to-
8 ward abatement thereof is being made. If the Hearing
9 Board finds such pollution is occurring and effective progress
10 toward abatement is not being made it shall make recom-
11 mendations to the Secretary concerning the measures, if any,
12 which it finds to be reasonable and equitable to secure abate-
13 ment of such pollution. Such findings and recommendations
14 shall be the findings and recommendations of the Secretary
15 except to the extent, on the basis of the evidence at such
16 hearing, he believes additional or different findings or recom-
17 mendations are warranted. The Secretary shall send his
18 findings and recommendations to the person or persons dis-
19 charging any matter causing or contributing to such pollu-
20 tion, together with an order specifying a reasonable time, but
21 not less than six months from the date of issuance of such
22 order, to secure abatement of such pollution in accordance
23 with such findings and recommendations. Such order shall
24 become final on the sixtieth day after the date of its issuance
25 unless an appeal is taken as provided in subsection ~~(b)~~ (f).

1 The Secretary shall also send a copy of such findings and
2 recommendations and such order to the water pollution con-
3 trol agencies and interstate agencies, if any, attending the
4 hearings as a party of record.

5 “(f) An appeal may be taken from any such order of
6 the Secretary by any person who has been made subject to
7 such order to the United States court of appeals for the cir-
8 cuit in which any discharge or discharges causing or con-
9 tributing to the pollution subject to abatement by such order
10 originates by filing with such court a notice of appeal within
11 sixty days from the date of issuance of the order. The juris-
12 diction of the court shall attach upon the filing of such notice.
13 A copy of such notice shall forthwith be transmitted by the
14 clerk of the court to the Secretary or any officer designated
15 by him for that purpose and to any other person who re-
16 ceived a copy of the Secretary’s order. The Secretary shall
17 thereupon file in the court the record of the proceedings be-
18 fore the Hearing Board as provided in section 2112 of title
19 28, United States Code, together with his findings of fact
20 and recommendations. Such findings of the Secretary, if
21 supported by substantial evidence when considered on the
22 record as a whole, shall be conclusive, but the court for good
23 cause shown may remand the case to the Secretary for the
24 taking of additional evidence in such manner and upon such
25 terms and conditions as the court may deem proper. The

1 Secretary may thereupon make or cause to be made new or
2 modified findings of fact and recommendations, and he shall
3 file with the court the record of such further proceedings,
4 the new or modified findings and recommendations, and his
5 recommendations, if any, for the setting aside or modifica-
6 tion of his original order. Such new or modified findings
7 shall likewise be conclusive if supported by substantial
8 evidence when considered on the record as a whole.

9 “(g) Upon the basis of the record of the proceedings
10 filed with it, the court shall have jurisdiction to enter an
11 order affirming or setting aside, in whole or in part, the
12 order of the Secretary. The judgment of the court shall be
13 final, subject to review by the Supreme Court of the United
14 States upon certiorari or certification as provided in section
15 1254 of title 28 of the United States Code.

16 “(h) The United States district courts shall have juris-
17 diction of any civil action brought by the Attorney General
18 at the request of the Secretary to enforce any order issued
19 under this section by the Secretary, or by a United States
20 court of appeals.

21 “(i) Members of any Hearing Board appointed pur-
22 suant to subsection (e) who are not regular full-time officers
23 or employees of the United States shall, while participating
24 in the hearing conducted by such Board or otherwise
25 engaged on the work of such Board, receive compensation

1 at a rate fixed by the Secretary, but not exceeding \$100
2 per diem, including travel time, and while away from their
3 homes or regular places of business they may be allowed
4 travel expenses, including per diem in lieu of subsistence, as
5 authorized by law (5 U.S.C. 73b-2) for persons in the
6 Government service employed intermittently.

7 “(j) As used in this section, the term ‘person’ includes
8 an individual, corporation, partnership, association, State,
9 municipality, and political subdivision of a State.

10 “(k) As used in this section, the term ‘municipality’
11 means a city, town, borough, county, parish, district, or
12 other public body created by or pursuant to State law.”

13 SEC. 7. Section 9 of the Federal Water Pollution Con-
14 trol Act is amended by adding at the end thereof the follow-
15 ing new sentences: “In his summary of any conference pur-
16 suant to section 8 (c) (3) of this Act, the Secretary shall
17 include references to any discharges allegedly contributing
18 to pollution from any Federal property. Notice of any
19 hearing pursuant to section 8 (e) involving any pollution
20 alleged to be effected by any such discharges shall also be
21 given to the Federal agency having jurisdiction over the
22 property involved and the findings and recommendations of
23 the Hearing Board conducting such hearing shall also include
24 references to any such discharges which are contributing to
25 the pollution found by such Hearing Board.”

1 SEC. 8. Section 11 of the Federal Water Pollution
2 Control Act is amended by striking out subsections (d) and
3 (e) and inserting in lieu thereof the following:

4 “(d) The term ‘State’ means a State, the District of
5 Columbia, the Commonwealth of Puerto Rico, the Virgin
6 Islands, and Guam.

7 “(e) The term ‘interstate waters’ means all rivers,
8 lakes, and other waters that flow across or form a part of
9 State boundaries, including coastal waters.”

10 SEC. 9. In the case of any discharge or discharges caus-
11 ing or contributing to water pollution with respect to which
12 the actions of the Surgeon General or the Secretary pre-
13 scribed under section 8 of the Federal Water Pollution
14 Control Act, as in effect prior to the enactment of this Act,
15 have already been completed prior to such enactment, the
16 provisions of such section as so in effect shall continue to be
17 applicable until the pollution caused by such discharge or
18 discharges has been abated.

19 SEC. 10. This Act may be cited as the “Federal Water
20 Pollution Control Act Amendments of 1961”.

87TH CONGRESS
1ST SESSION

H. R. 6441

[Report No. 306]

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

By Mr. BLATNIK

APRIL 18, 1961

Referred to the Committee on Public Works

APRIL 25, 1961

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

Issued May 3, 1961
For actions of May 2, 1961
87th-1st, No. 73

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HIGHLIGHTS: House received conference report on minimum wage bill. Rep. Johnson, Calif., introduced and discussed bill to provide increased authorizations for forest roads and trails.

HOUSE

1. MINIMUM WAGE. Received the conference report on H. R. 3935, the minimum wage bill (H. Rept. 327) (pp. 6541-7). As reported by the conference committee the bill includes the following provisions:

Increases the minimum wage for presently covered employees to \$1.15 an hour on the effective date of the bill and to \$1.25 an hour 2 years thereafter;

Increases the minimum wage for newly covered employees to \$1.25 an hour over a 5-year period;

Exempts workers who may occasionally engage in livestock auction operations as an adjunct to their regular work of raising livestock;

Exempts workers employed at country elevators that market farm products for farmers, provided not more than 5 employees are employed at the elevator;

Exempts workers engaged in ginning cotton for market at any location in a county where cotton is grown in commercial quantities;

Exempts workers engaged in processing shade-grown tobacco for use as cigar wrapper tobacco if the workers are engaged in the growing and harvesting of such tobacco;

Exempts workers engaged in the transportation of fruits and vegetables from the farm to a place of first processing or first marketing within the same State, and the transportation between the farm and any point within the same State of workers employed or to be employed in the harvesting of the commodity;

Requires the Secretary of Labor, when he has reason to believe that employment in an industry under the act has decreased or is likely to decrease because of foreign competition, to investigate the matter and report to the President and Congress; and

Requires the Secretary of Labor to study the system of exemptions now available for handling and processing of agricultural products and to submit to the 2nd session of the 87th Congress a report on the results of the study, with recommendations for further legislation designed to simplify and remove inequities in the application of such exemptions.

2. WATER POLLUTION. The Rules Committee reported a resolution for consideration of H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. p. 6563
3. ECONOMIC REPORT. Rep. Patman submitted the Joint Economic Committee's 1961 Economic Report (H. Rept. 328). pp. 6563
4. STEAMSHIP CONFERENCES. The "Daily Digest" states that the Merchant Marine and Fisheries Subcommittee on Steamship Conferences "ordered a clean bill introduced in the House, for reporting to the full committee, in lieu of H. R. 4299, to provide for the operation of steamship conferences." p. D304
5. LEGISLATIVE PROGRAM. Rep. McCormack announced that the conference report on H. R. 3935, the minimum wage bill, and H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, will be considered today, May 3. pp. 6556-7

SENATE

6. FOREIGN AID. The Appropriations Committee voted to report (but did not actually report) without amendment H. R. 6518, to appropriate \$500 million for the Inter-American Social and Economic Cooperation Program and \$100 million for the Chilean Reconstruction and Rehabilitation Program. p. D301
7. EDUCATION. The Education Subcommittee of the Labor and Public Welfare Committee voted to report to the full committee S. 1021, to provide Federal assistance for public school facilities, including schools in Federally impacted areas. p. D302

ITEMS IN APPENDIX

8. FOREIGN AID. Extension of remarks of Rep. Rhodes inserting an article expressing approval of House passage of the aid bill for Latin America. pp. A3002-3
9. TRANSPORTATION. Extension of remarks of Rep. Shelley commending and inserting an article discussing current dual rate legislation. pp. A3009-10
10. FARM RESEARCH. Rep. Ellsworth inserted an article, "Big Lag Is Found in Farm Research -- Less Than 1 Percent of Income Is Spent for Agriculture." p. A2989
11. TAXATION. Rep. Ellsworth inserted an article "A Sound Tax Purpose: To Boost the Economy," criticizing the President's proposal for the cancellation of the \$50 exemption and 4-percent credit on dividend taxes. p. A2996

CONSIDERATION OF H.R. 6441

MAY 2, 1961.—Referred to the House Calendar and ordered to be printed

Mr. DELANEY, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 274]

The Committee on Rules, having had under consideration House Resolution 274, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 41

87TH CONGRESS
1ST SESSION

H. RES. 274

[Report No. 329]

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 1961

MR. DELANEY, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the
4 Union for the consideration of the bill (H. R. 6441) to
5 amend the Federal Water Pollution Control Act to provide
6 for a more effective program of water pollution control.
7 After general debate, which shall be confined to the bill, and
8 shall continue not to exceed two hours, to be equally divided
9 and controlled by the chairman and ranking minority mem-
10 ber of the Committee on Public Works, the bill shall be
11 read for amendment under the five-minute rule. At the con-
12 clusion of the consideration of the bill for amendment, the

1 Committee shall rise and report the bill to the House with
2 such amendments as may have been adopted, and the pre-
3 vious question shall be considered as ordered on the bill and
4 amendments thereto to final passage without intervening
5 motion except one motion to recommit.

House Calendar No. 41

87TH CONGRESS
1ST SESSION

H. RES. 274

[Report No. 329]

RESOLUTION

Providing for the consideration of H.R. 6441, a
bill to amend the Federal Water Pollution
Control Act to provide for a more effective
program of water pollution control.

By Mr. DELANEY

MAY 2, 1961

Referred to the House Calendar and ordered to be
printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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HIGHLIGHTS: Both Houses agreed to conference report on minimum wage bill. House committee reported bill to increase per diem travel rates. Rep. Roosevelt urged prohibition of integrated food retailing and meat packing activities.

SENATE

- 1. MINIMUM WAGE.** By votes of 64 to 28 in the Senate and 230 to 196 in the House, both Houses agreed to the conference report on H. R. 3935, to amend the Fair Labor Standards Act to provide for the coverage of additional workers and to increase the minimum wage gradually to \$1.25 an hour (pp. 6615-7, 6638-45, 6710-26). This bill will now be sent to the President. See Digest 73 for provisions of the bill of interest to this Department.
- 2. FORESTRY.** Sen. Proxmire inserted a report of the Lake States Forest Fire Research Conference recommending development of improved methods of forest fire prevention and control through research in the Lake States area. pp. 6569-70
- 3. FOREIGN AID; APPROPRIATIONS.** The Appropriations Committee reported without amendment H. R. 6518, to appropriate \$500 million for the Inter-American Social and Economic Cooperation Program and \$100 million for the Chilean Reconstruction and Rehabilitation Program (S. Rept. 201). p. 6570

4. FARM LABOR. The Labor and Public Welfare Committee reported without amendment S. Con. Res. 23, to authorize the printing of additional copies of the hearing on migratory labor held by the Migratory Labor Subcommittee during the 1st session of the 86th Congress. pp. 6570-1
Sen. Javits inserted a newspaper editorial, "Labor from Mexico," stating that "the time has come for the Federal Government to stop fostering the use of cheap foreign labor to the detriment of American workers." p. 6596
5. PERSONNEL. Received from the Joint Committee on Reduction of Nonessential Federal Expenditures its report on Federal employment and pay for March 1961. pp. 6571-4
6. ECONOMIC REPORT. Received from the Joint Economic Committee its report on the 1961 Economic Report of the President. p. 6574
Sen. Proxmire inserted the text of his views dissenting from the views of the majority of the committee in its report. pp. 6597-9
7. SOIL CONSERVATION. Sen. Neuberger commended the observance of Soil Stewardship Week, May 7 to 14, and inserted a statement by the Administrator of the Soil Conservation Service on the importance of conserving the soil. pp. 6596-7
8. DEPRESSED AREAS; FEDERAL EXPENDITURES. Sen. Byrd, Va., inserted a newspaper article, "Back-Door Spending -- Depressed Area Program To Join Long List Financed Direct From U. S. Treasury." pp. 6611-2
9. FARM PROGRAM. Sen. Humphrey inserted a statement of the National Catholic Rural Life Conference discussing agricultural conditions and suggesting methods designed to improve living standards of farm families and the farm economy. pp. 6624-8
Sen. Dirksen inserted the platform adopted by the Illinois Young Republican College Federation dealing with various matters, including agriculture. pp. 6650-2
10. TEXTILES. Sen. Javits stated that the President's announced program of assistance to the U. S. textile industry was "a commendable first step toward the assumption of governmental responsibility to help those injured by trade policies pursued in the national interest," and inserted several items on the matter. pp. 6663-6

HOUSE

11. WATER POLLUTION. By a vote of 307 to 110, passed with amendments H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control (pp. 6673-710, 6729-30). The bill provides that the Secretary of Health, Education, and Welfare shall administer the Federal Water Pollution Control Act, and authorizes the establishment of regional water pollution control laboratories in various sections of the country. It increases the appropriation authority for program grants to State and interstate agencies from \$3 million to \$5 million annually, extends the authorization to June 30, 1971, and authorizes an increase in Federal financial assistance to communities to assist them in the construction of needed waste treatment facilities from the present \$50 million annually to \$100 million annually and an increase in the total grant authorization from \$500 million to \$1 billion.

House of Representatives

WEDNESDAY, MAY 3, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The words of Jesus in John 9: 4: *I must work the works of Him that sent Me, while it is day for the night cometh, when no man can work.*

Most merciful and gracious God, grant that our lives, which are so brief at their longest and so broken at their best, may in these dark days be aglow with the light and leading of Thy divine spirit.

May this be for us a time of faith and good works and, in a world shaken with strife, may we join hands and hearts in a new covenant of love and loyalty, pledging our allegiance to those age-long values and lofty principles which are eternal and forever true.

We earnestly beseech Thee that the difficult problems which demand to be solved and the things which are happening may never cause us to be downhearted and dismayed.

Inspire us to be numbered among those valiant and heroic souls who believe that a better day is coming and are continually praying and working for it and are seeking to prove ready for it and worthy to receive it.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Ratchford, one of his secretaries.

POLAND LOOKS FORWARD TO FREEDOM

(Mr. LANE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LANE. Mr. Speaker, throughout their whole history, the Polish people have never surrendered. From time to time, their country has been invaded by powerful neighbors. It has been occupied by foreign troops. But every effort to subjugate Poland has failed because the deep and enduring faith of the Polish people in freedom can never be conquered.

On May 3 of every year, people of Polish origin throughout the world celebrate their Constitution Day, as they have done for 170 years, and will continue to celebrate, forevermore. In this they are joined by hundreds of millions

of freemen who are one with them in spirit as they affirm the irrevocable right to "government of, by, and for the people."

We in the United States, where so many of our friends and neighbors are of Polish ancestry, admire the accomplishments and the qualities which they contribute to the mainstream of American life. Because of the close spiritual kinship between Poland and the United States, we shall give every aid and encouragement to the Polish people in regaining their independence.

In honoring the great national holiday of Poland, we are serving notice on the Kremlin that we shall never be diverted from our friendship for and loyalty to the Polish people and their right to a representative government chosen through free and democratic elections.

To the Polish people we send this message: "We are celebrating your Constitution Day to let you know that we shall never forget what we owe to you. The time of your liberation is coming nearer."

YEAR-ROUND COMMERCE ON THE GREAT LAKES

(Mr. ASHLEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASHLEY. Mr. Speaker, a few moments ago a number of House Members representing the Great Lakes area joined with me in introducing a bill to provide for an investigation and study by the Corps of Engineers of ways of making the Great Lakes and the St. Lawrence Seaway available for navigation on a year-round basis.

Mr. Speaker, it is unnecessary for me at this time to cite the astonishing increase in tonnage which has taken place in Great Lakes shipping since World War II. This, of course, is the result of a natural increase in our domestic economy, of increased imports of minerals from Canada and elsewhere, and—perhaps most dramatically—as a result of the St. Lawrence Seaway.

I hardly need point out, too, that this increased activity has taken place in an inland waterway which, because of ice conditions, operates only 8 months a year.

Mr. Speaker, with the increased technology which is now available to us, and with the ever-increasing commercial challenges which our Nation must meet in the years ahead, the time has come to explore the feasibility of maintaining Great Lakes shipping on a year-round basis. Considerable scientific thought has already been directed to this matter

and it is for this reason that legislation is now being introduced for a comprehensive review and correlation of such factors as water thermal conditions, geography, prevailing weather conditions, and other factors which, if not immediately must be explored in order to eventually extend the shipping season for year-round commerce on the Great Lakes.

POLITICAL FUNDRAISING TACTICS OF SECRETARY UDALL DEMONSTRATE NEED OF KENNEDY ETHICS BILL

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Speaker, the Washington Post this morning carried a story which indicated that Secretary of Interior Stewart Udall admitted he has organized class C and other top-drawer Interior officials into a Democratic Party ticket sales agency, for the specific purpose of selling \$100 tickets for the forthcoming celebration of President Kennedy's birthday.

The article states further that the Secretary has directed these public servants to sell tickets to other persons who have contact with the Department of the Interior.

I regard this as highly improper and I suggest that the President clean house at the Department of Interior. It is apparent that the Secretary has outlived his usefulness as an administrator and has lost the trust of the American people.

If the President wants to use Udall as chief ticket salesman, he should get someone else as Secretary of Interior. The high-sounding phrases of the Kennedy presidential campaign would seem to demand that a man who attempts to use his high Government position for political fundraising be removed from the Cabinet.

President Kennedy has had much to say in the past about conflict of interest. Secretary Udall's scandalous betrayal of trust is obviously in conflict with the interest of the American people in good government.

Referring to the President's recent message to the Congress on ethics, I commended his statement at that time, and in particular his conclusion that these recommended standards can be best maintained by personal example of those in leadership. This statement appealed to me then. It appeals to me now. Mr. Udall's actions in my judgment are in direct contradiction to this presidential declaration. He is a prime example of the need for a code of ethics.

COMMITTEE ON PUBLIC WORKS

Mr. SMITH of Mississippi. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a report on the bill H.R. 5963.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 153)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1960.

JOHN F. KENNEDY.

THE WHITE HOUSE, May 3, 1961.

REORGANIZATION PLAN NO. 3 OF 1961—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 152)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1961, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for reorganization in the Civil Aeronautics Board.

This Reorganization Plan No. 3 of 1961 follows upon my message of April 13, 1961, to the Congress of the United States. It is believed that the taking effect of the reorganizations included in this plan will provide for greater efficiency in the dispatch of the business of the Civil Aeronautics Board.

The plan provides for greater flexibility in the handling of the business before the Board, permitting its disposition at different levels so as better to promote its efficient dispatch. Thus matters both of an adjudicatory and regulatory nature may, depending upon their importance and their complexity, be finally consummated by divisions of the Board, individual Board members, hearing examiners, and, subject to the provisions of section 7(a) of the Administrative Procedure Act of 1946 (60 Stat. 241), by other employees. This will relieve the Board members from the necessity of dealing with many matters of lesser importance and thus conserve their time for the consideration of major

matters of policy and planning. There is, however, reserved to the Board as a whole the right to review any such decision, report or certification either upon its own initiative or upon the petition of a party or intervenor demonstrating to the satisfaction of the Board the desirability of having the matter reviewed at the top level.

Provision is also made, in order to maintain the fundamental bipartisan concept explicit in the basic statute creating the Board, for mandatory review of any such decision, report, or certification upon the vote of a majority of the Board less one member.

Inasmuch as the assignment of delegated functions in particular cases and with reference to particular problems to divisions of the Board, to Board members, to hearing examiners, to employees, and boards of employees must require continuous and flexible handling, depending both upon the amount and nature of the business, that function is placed in the Chairman by section 2 of the plan.

By providing sound organizational arrangements, the taking effect of the reorganizations included in the accompanying reorganization plan will make possible more economical and expeditious administration of the affected functions. It is, however, impracticable to itemize at this time the reductions of expenditures which it is probable will be brought about by such taking effect.

After investigation, I have found and hereby declare that each reorganization included in the reorganization plan transmitted herewith is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

JOHN F. KENNEDY.

THE WHITE HOUSE, May 3, 1961.

WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 274) providing for the consideration of H.R. 6441, a bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question

shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes to the gentleman from Kansas [Mr. AVERY] and now yield myself such time as I may consume.

Mr. Speaker, House Resolution 274 provides for the consideration of H.R. 6441, a bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. The resolution provides for a straight open rule with 2 hours of general debate.

The purpose of H.R. 6441 is to extend and strengthen the Federal water pollution control program and to assist the States and local communities in providing for more effective programs of water pollution control at all levels of government.

The bill as reported by the Committee on Public Works would vest in the Secretary of Health, Education, and Welfare full responsibility for the conduct of the Federal water pollution control program authorized by the act.

Water has become the No. 1 resource problem confronting the United States today.

The water problem is directly related to our country's rapid population and economic growth. This growth is creating a major impact on water resources from a rapidly growing demand for water to produce the things we need to eat, wear, and use, and for an ample supply of clean, safe water for drinking and for recreation.

By 1980 our population is expected to reach the 232-274 million range. Probably the most significant population growth trend is that toward urbanized living. Also, by that time more than 90 percent of our people will live in cities and towns, half of these in cities over 50,000 population or their suburbs.

In addition to population growth and concentration, the phenomenal growth of industry will also continue. Production of goods increased sevenfold from 1900 to 1950 and is expected to double the 1950 figures by 1975.

The result of population and economic-industrial growth will be a tremendous increase in fresh water use. By 1980, our estimated fresh water needs will nearly double present water use.

The Committee on Public Works conducted hearings for 4 days on the legislation, at which time testimony was presented from witnesses representing municipal and county government associations; State health, engineering, and pollution control administrators; conservation and civic groups; industry and labor representatives; and the Secretary of Health, Education, and Welfare.

Mr. Speaker, I urge the adoption of House Resolution 274.

Mr. AVERY. Mr. Speaker, I yield myself 5 minutes.

The SPEAKER. The gentleman from Kansas is recognized.

Mr. AVERY. Mr. Speaker, this, of course, is not a new proposition to come before the House. It has been before the House in some form or other for every

session of Congress since I have been a Member.

I would like to point out, however, that in the committee there has been no account taken of this extra \$50 million in the bill by the supplementary budget that has been sent to the Congress by President Kennedy. Stated in another way, it means that if this bill passes with the additional \$50 million a year, as recommended by the committee, it will mean that the budget for 1962 will be imbalanced by \$50 million more than was estimated when the Kennedy supplement came to the Congress a few weeks ago. I am advised that it was not included, and I think justifiably so, in that budget because the additional \$50 million a year was not authorized and, therefore, it would not have been proper to include it in a budget estimate.

The administration has a rather nebulous position on this legislation, as I would construe it. The Secretary of Health, Education, and Welfare supported the main objectives of the bill, but he did not make a clear-cut statement, as I read his letter of transmittal, in favor of it.

I think it is important to point out at this time the minority position. The minority has taken the position that there is some justification for a Federal incentive payment, for the abatement of pollution in our streams. The minority, however, has taken the position that this subsidy should be reduced or confined to an incentive, not converted into another Federal financial obligation that goes on, and on, and on, and gets larger and larger each year. That has been the position of the minority.

President Eisenhower vetoed a bill similar to this 1 year ago. The minority views are set forth in the report. The minority views this year are consistent with the position taken by the previous administration.

There are a few principal differences. One, of course, is the increase in cost per annum, which is doubled. There is no use to discuss it further, because it will be well covered, I am sure, when we get into general debate.

Then there is the matter of jurisdiction. This, I think, is very important. The jurisdiction of the Federal Government is extended to virtually every stream or waterway in the United States, and that is a rather far reaching departure, should I say, from the original bill passed in 1956. Despite the fact that the question of jurisdiction has been pretty well spelled out in the bill, I would like to ask a question about the effect of the jurisdictional extensions to the Federal Government in the bill.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 45]

Blitch	Hagan, Ga.	Riley
Boykin	Jensen	Rousselot
Celler	Kearns	Selden
Coad	Kirwan	Siler
Davis, Tenn.	McSweeney	Thomas
Flynt	Murray	Van Zandt
Friedel	O'Brien, N.Y.	Willis
Gray	Passman	

The SPEAKER. On this rollcall 410 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961

The SPEAKER. The gentleman from Kansas [Mr. AVERY] is recognized.

Mr. AVERY. Mr. Speaker, I yield myself 4 additional minutes.

Mr. Speaker, just before the point of no quorum was made I had announced, as I analyzed the bill, three important differences, and I was about to state the Republican position that might be offered in the way of amendments after general debate has been completed.

One of the principal differences in this bill over present law, of course, is the extension of Federal jurisdiction to all navigable streams; and the language is so broad that almost any stream or body of water within the continental United States might be included. Since we are extending the jurisdiction of the Federal Government so far as pollution of water resources is concerned, I think it should be made abundantly clear that we are not in any way interfering with or abrogating any existing States rights in the way of regulation or control over uses of water within the States. I have, therefore, prepared a question, a copy of which I have already given to the chairman of the Subcommittee on Public Works who is in charge of this bill, and also to the ranking minority member. I think the record should be clear at this point as to what the intent of the committee as jurisdiction of the Federal Government was extended, so to speak, in respect to the control of water. The question is this: By extending the control of the Federal Government to abate pollution to all navigable streams, has the committee made the record abundantly clear that they have not intended in any way to abrogate or interfere with any other existing State rights, authority, or control over water flowing through its domain or along its border?

Mr. BLATNIK. Mr. Speaker, the question is very pertinent in asking if the committee had made the record abundantly clear that they have not intended in any way to abrogate or interfere with any other existing States' rights, authority, or control over water flowing through its domain or along its borders.

The answer is, very definitely and most emphatically, yes, the committee has made it clear; and I cite for the Record

the language of the bill under consideration, H.R. 6441, page 1, line 10:

Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters of such States, including, but not limited to the power, authority, and jurisdiction of such States to enforce State water-pollution control laws and regulations.

Again, on page 8, line 17, the bill states:

State action * * * shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a final order or a court order.

Finally, the committee report states, page 5:

The committee has exercised extreme care to assure that the language of the bill will allow continued comprehensive action by the States in the field of water-pollution control. There certainly can be no assumption that the Federal interest in the field of water-pollution abatement authorized by this bill is so dominant as to preclude State action. The proposition is well established that the protection of the health and welfare of the citizens of a State is a proper subject for the exercise of the State police power. The bill provides specifically for cooperation with the States and its aim is to encourage and assist States and local communities in their efforts to control water pollution, not to usurp or preempt their rights, powers, or responsibilities in this field.

Mr. AVERY. I thank the gentleman for his response. Would the response made, as I was able to understand it, in respect to the abatement of pollution apply similarly with regard to any other existing State right over waters within the domain of the State?

Mr. BLATNIK. No, it would not affect, impair, or detract any existing rights whatsoever.

Mr. AVERY. I thank the gentleman for his comment.

I would like to ask the ranking minority member of the Committee on Public Works, the gentleman from Florida, if he concurs in that response.

Mr. CRAMER. I agree with the gentleman from Minnesota with regard to abrogating rights of States in other fields. It does not do that. It deals solely with the subject of water pollution control. In the field of water pollution control it obviously abrogates existing States rights under existing water pollution control laws. In these respects—this is to some extent where the minority differs with the majority—under present law today the Federal Government has no jurisdiction in the field of water pollution control; under Public Law 660, it has no jurisdiction over intrastate water, waters flowing in and arising within a State and not crossing State boundaries. In that sense, in that this bill does include intrastate water, it provides Federal jurisdiction over all navigable water and the State's responsibilities and the State's right in that respect are substantially abrogated.

The second basic area in which States rights in the field are being abrogated, again where the minority differs with the

majority, the States do not have a right to join in any court action to enforce orders relating to either interstate or intrastate, or both interstate and intrastate waters under the now elastic controls. The partnership program in existence under Public Law 660 is largely abrogated under the new bill.

Mr. AVERY. I thank the gentleman. This rule should be adopted, and I also urge the adoption of amendments later to be offered by the gentleman from Florida.

Mr. DELANEY. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. LANE].

Mr. LANE. Mr. Speaker, the Committee on Public Works has reported that "Water has become the No. 1 resource problem confronting the United States today." Even now, along heavily populated river banks, the available water has to be used over and over again. Five and six time reuse of water in our major river basins is a certain prospect.

The discharge of raw sewage into these rivers makes pollution control an absolute necessity to protect and conserve the water quality for each downstream community, industry, farm, and recreation area. Obviously, this requires the complete cooperation of all concerned, through the construction of waste treatment works at various points along the course of each river.

We must purify and reuse available water, because the growth of population and industry will create a demand that will exceed the developed dependable fresh water supply by 85 billion gallons daily, within 19 years. Research into methods of desalting sea water at a low cost, in order to serve the needs of our population and economic growth points to the urgency of our present water problem.

The fragmentation of the news has hidden from the American people the seriousness of this national problem, and the extent to which various communities are trying to clean up the polluted streams for the supply of usable water that is essential to life and progress.

Over the past 4 years, contract awards for sewage treatment plant construction have average almost \$360 million annually—an increase of 62 percent over the 5-year average before Federal assistance became available.

As of March 31, 1961, a total of 2,671 grant offers have been made aggregating \$219.3 million. These in turn supported construction of projects having eligible costs totaling \$1.27 billion. Every Federal dollar expended has been matched by over \$4.80 in local funds.

Federal financial assistance has been of substantial help in the progress made so far, but the backlog of need is greater. According to the Public Health Service, 4,136 new plants are required for 23 million people in communities now discharging raw untreated sewage, and communities where existing treatment works are obsolete and require replacement. Another 991 communities need major additions and enlargements of existing inadequate plants to provide satisfactory treatment for 19 million persons.

In addition to many other rivers, the greater part of the Hudson River is excluded under the present law from Federal enforcement jurisdiction as are important reaches of the Tennessee, Columbia, Colorado, and Merrimack Rivers.

The bill before us will extend to them the authority for Federal abatement enforcement action to the pollution of waters which endanger the health and welfare of any persons.

The older industrial States of the Northeast have shown initiative in facing up to this problem. Since the enactment of Public Law 660, five States in the Nation have originated financial assistance programs predicated on the Federal program, and three of these are in New England: Maine, Vermont, and New Hampshire. They are to be commended for their foresight and willingness to participate in a true Federal-State-local partnership. It is hoped that other States will follow their example, and their sense of public responsibility.

The seriousness of the Nation's water pollution problem makes it imperative for the Federal Government to assist local communities in the construction of waste treatment plants, even in those States that do not provide similar financial assistance. However, I believe that the grant formula should be changed to provide a larger percentage of Federal aid to those communities where their State governments have assumed a share of the financial responsibility.

Summing up, the additional grants provided by H.R. 6441, will help to solve the water supply problems of the Nation that are approaching the critical stage.

(Mr. LANE asked and was given permission to revise and extend his remarks.)

Mr. DELANEY. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, our distinguished majority leader [Mr. McCORMACK].

(Mr. McCORMACK asked and was given permission to revise and extend his remarks.)

Mr. McCORMACK. Mr. Speaker, the committee has done a very excellent job in the consideration of this bill. The bill reported out is one that is for the best interests of our country, and I hope that the bill as reported will be adopted without any amendments.

The committee has given excellent consideration to the bill and all aspects thereof. The bill now before us represents not only necessary legislation but legislation that brings about progress in the interest of our country and our people.

One of the most important problems confronting us, not only the people of America but people everywhere, is the matter of water pollution, the control of our polluted streams, the cleansing of them. In connection with that, an important matter confronting our people is clean, clear water for their use. This is particularly so in view of the increased population that is taking place, and it constitutes a great challenge to our country and to our people.

Mr. Speaker, this type of legislation is not one that originated in one particular political party of the Congress. As far

back as 1948 Senator Taft and the then Senator Barkley were leaders in not only introducing legislation but in fighting for the passage of water pollution legislation. As a matter of fact, the program in 1948 that they submitted as I remember, in the other body called for an \$880 million authorization. As I also remember, it was for a 10-year period. The program before us now calls for a \$100 million authorization each year for a period of 10 years, so that the program before us now constitutes in its entirety \$1 billion. Already, under the law upon the statute books, more than 2,600 localities have received \$220 million of Federal funds and the total construction cost of those projects is \$1.27 billion. In other words, for every dollar appropriated by the Federal Government in connection with this program the local communities, either State or local subdivisions, have contributed close to 5 additional dollars.

This legislation has the support of the American Municipal Association, the Conference of Mayors, and every major conservation organization. The legislation, as I have said, is bipartisan in nature, initially brought about by two great men who made their contributions toward the original legislation, the late Vice President Alben Barkley, when he was a Member of the U.S. Senate, and the late Senator Taft. We are now continuing the legislation. This bill proposes a continuation of this program for an additional 10 years. As a matter of fact, if I had my way, \$100 million a year would not be sufficient. In any event, that \$100 million a year means a total expenditure of about \$500 million a year, with the local participation.

Mr. Speaker, this is a step in the right direction, and I urge not only the adoption of the rule but the passage of the bill as reported by the committee.

Mr. DELANEY. Mr. Speaker, having no further requests for time, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. BLATNIK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6441, with Mr. THOMPSON of Texas in the chair.

The clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. BLATNIK. Mr. Chairman, I yield myself such time as I may require.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, water has become the No. 1 resource problem confronting the United States today.

The water problem is directly related to our country's rapid population and economic growth. This growth is cre-

ating a major impact on water resources from a rapidly growing demand for water to produce the things we need to eat, wear, and use, and for an ample supply of clean, safe water for drinking and for recreation.

By 1980 our population is expected to reach the 232-274 million range. Probably the most significant population growth trend is that toward urbanized living. By 1980 more than 90 percent of our people will live in cities and towns, half of these in cities over 50,000 population or their suburbs.

In addition to population growth and concentration, the phenomenal growth of industry will also continue. Production of goods increased sevenfold from 1900 to 1950 and is expected to double the 1950 figures by 1975.

The result of population and economic-industrial growth will be a tremendous increase in fresh water use. By 1980, our estimated fresh water needs will total 600 billion gallons a day—nearly double present water use.

In the past, we met rising demands for water largely through construction of storage facilities to increase the amount of water available for use. Now, however, the limit of the amount of dependable water supply is in sight. The maximum dependable fresh water supply we can ever hope to develop by engineering works is estimated to be 600-650 billion gallons a day by the year 2000. This is our fixed water supply—foreseeably all the Nation will ever have to support continued population and economic growth.

By 1980 the developed dependable fresh water supply is expected to total about 515 billion gallons a day. Therefore, by 1980 demand will exceed supply by 85 billion gallons. It is obvious that the Nation's water needs from now on must be met by using the same water over and over. Thus, the highest priority in water resources developments must be given to the all-important need of providing for the cleanliness of the limited water supply so that it can be used and reused in meeting the Nation's increasing requirements for water for all purposes.

Water reuse on a large scale is already a necessity. Some of the water in every stream is used one or more times with much greater reuse of streams in developed areas. During low flows it is estimated that the flow of the Ohio River is used 3.7 times. Five- and six-time reuse of water in our major river basins is a certain prospect.

Water must be of suitable quality to be reusable, however. Used water is invariably polluted water and pollution degrades its physical, chemical, biological, and esthetic qualities. Multiple water reuse, therefore, will require highly effective pollution control to protect and conserve water quality if streams are to serve each downstream community, industry, farm, and recreation area.

We have entered the era in water resource conservation and development in the United States where water quality management must have the highest priority in supplying present and future water supply needs. An important segment of water quality management has

been and will be accomplished by providing storage of good quality waters for water supply purposes and for dilution of downstream pollution. For the Nation as a whole, however, water quality management can best be affected by the prevention and control of pollution. More "new" water can be provided to meet needs by controlling pollution than by any other means. Pollution control has the advantage of permitting the use of an already available distribution system, the waterways of the country, to deliver water of satisfactory quality to the points where it is needed.

H.R. 6441 will establish the more effective Federal water pollution control program needed to assist the States and local communities in obtaining the highly effective pollution control necessary to protect and conserve the water quality of the Nation's waterways.

MAJOR PROVISIONS OF THE BILL ADMINISTRATION OF THE PROGRAM

The Committee on Public Works has watched carefully the progress and development of the national water pollution control program and particularly the supporting role of the Federal Government. The committee has always believed that the objectives of the program should be given high priority in an appropriate administrative framework in the Department of Health, Education, and Welfare.

Existing law provides that the pollution control program be administered by the Surgeon General through the Public Health Service under the supervision of the Secretary of Health, Education, and Welfare. The administrative status of the program has not changed since 1948 when it was originally established despite a great increase in program activities, responsibilities, personnel, and appropriations. During public hearings the committee heard testimony favoring the establishment of a Federal Water Pollution Control Administration in the Department of Health, Education, and Welfare. The President has urged the establishment of a special unit in the Public Health Service to administer both air and water pollution control programs.

The Secretary of Health, Education, and Welfare, recognizing the need to upgrade pollution control activities in his Department, asked the committee for "time to take a complete fresh look at the situation and the various proposals for dealing with it."

In order to give the Secretary complete flexibility in effectuating his decision relating to the proper administrative status of this program the bill transfers responsibility for the administration of the Federal water pollution control program from the Surgeon General to the Secretary of Health, Education, and Welfare.

This action is in conformity with recommendation No. 14 of the first report of the Hoover Commission on Organization of the Executive Branch of the Government (H. Doc. 55, 81st Cong.) which states:

Under the President, the heads of departments must hold full responsibility for the conduct of their departments. There

must be a clear line of authority reaching down through every step of the organization and no subordinate should have authority independent from that of his superior.

I am sure that in reaching any decision on this matter the Secretary of Health, Education, and Welfare takes into consideration the fact that the water pollution control program established in 1956 and strengthened by this bill goes far beyond the usual public health legislation in that it assigns to his Department the responsibility for controlling water pollution to conserve water for all uses—propagation of fish and aquatic life and wildlife, recreational purposes, industrial and agricultural (including irrigation) supplies, and other legitimate purposes, as well as public water supplies and protection of the public health.

Nothing in this bill is intended to impair or in any manner affect any right or jurisdiction of the States with respect to the waters of the States, including but not limited to the power, authority, and jurisdiction of the States to enforce State water pollution control laws and regulations.

The committee has exercised extreme care to assure that the language of the bill will allow continued comprehensive action by the States in the field of water pollution control. There certainly can be no assumption that the Federal interest in the field of water pollution abatement authorized by this bill is so dominant as to preclude State action. The proposition is well established that the protection of the health and welfare of the citizens of a State is a proper subject for the exercise of the State police power. The bill provides specifically for cooperation with the States and its aim is to encourage and assist States and local communities in their efforts to control water pollution, not to usurp or preempt their rights, powers, or responsibilities in this field.

Every time during the past several years when this vital legislation is discussed on the floor of this House, some Members express concern because the entire matter is not left to the States and local communities for disposition. However, the inescapable fact is that the record shows that effective enforcement measures against pollution of this Nation's waters have been accomplished quicker, more effectively, and with better cooperation on the part of State and interstate agencies when guidance and assistance are rendered by the Federal Government.

The problem is simply this: the matter of water pollution control is so vital and so nationwide in its importance that it can best be coped with by the joint efforts of the States and Federal Government. I do not believe that anyone will seriously contend that the participation of the Federal Government is not desirable in this effort to prevent pollution of our waterways. Essentially, under the provisions of the bill, the role of the Federal Government is that of a stimulator, a supplier of spark, to keep the vital pollution abatement program moving. Federal enforcement measures

against pollution of navigable waters are undertaken independently only when State or interstate action to abate pollution of navigable streams are shown to be inadequate. It is clearly provided in section 8(b) of the bill that it is the intent of Congress that State and interstate action to abate pollution of navigable waters shall be encouraged and shall not be displaced by Federal enforcement action except when such State or interstate actions are shown to be ineffectual. This is the clear intent of the act. However, effective water pollution control and enforcement measures against pollution require a joint effort by all governments concerned, including Federal, interstate agencies, State, and municipal. In view of the broad spectrum of the problem, I do not believe that it will be seriously contested that, for the program to be successful, it must be guided by a paramount authority, which authority can only be, by the very nature of the problem, the Federal Government.

This bill contains no subtle plot to encroach on State preserves. The declaration of policy, not only in the section of the bill pertaining to enforcement measures, but also in the first section of the bill provides that it is the intent of the bill to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution. It is further stated in section 1(b) that nothing in the act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to waters of such States including but not limited to the power, authority, and jurisdiction of the States with respect to waters of such States to enforce water pollution control laws and regulations.

How now—I ask—can it be conceivable that there is any implication in the act to infringe on any right or jurisdiction of any State with respect to enforcement measures against pollution of waters in that State? If this bill is enacted, and I am confident it will be, the declaration of policy spelled out in section 1 clearly shows that nothing in it—that is, nothing in the act shall be construed as impairing or in any manner restricting the right or jurisdiction of a State in regard to enforcement measures against pollution of waters in that State. In the face of such unequivocal language, I must say that it seems to me that any objection to this bill on the ground that it in any way restricts the State's powers to enforce measures against pollution of waters within that State appears specious.

RESEARCH AND STUDIES

Research has always been recognized as a basic Federal water pollution control responsibility. The need for a much greater Federal research effort was consistently recognized during the hearings on the bill.

At least six permanent regional water pollution control laboratories, fully equipped and staffed with skilled laboratory and field project personnel, are badly needed to support expanding programs in comprehensive program development, special field study projects on

specific problems, basic data, and enforcement; also, much needed increases in technical assistance to State and local agencies and in connection with projects and other Federal water resources agencies. At present the Public Health Service must establish temporary facilities, make such use of the Sanitary Engineering Center in Cincinnati as distance permits, rely on the facilities of others, or contract for needed laboratory services.

The bill authorizes the establishment of regional water pollution control laboratories in various sections of the country.

The bill also authorizes a continuing study of the quality of the waters of the Great Lakes. The Great Lakes constitute the largest single source of fresh water in this hemisphere. They must be protected from pollution caused by population and industrial growth and increased shipping.

STATE AND INTERSTATE PROGRAM GRANTS

A significant provision in existing law is that providing for matching grants to State and interstate agencies to assist them in meeting the costs of establishing and maintaining adequate water pollution control programs.

The bill increases the appropriation authority for program grants to State and interstate agencies from \$3 million to \$5 million annually and extends the authorization to June 30, 1971.

GRANTS FOR WASTE TREATMENT PLANT CONSTRUCTION

Under existing laws there is authorized \$50 million annually in Federal grants to communities to assist them in the construction of needed waste treatment facilities. This program has been in operation since 1956. Over the past 5 years contract awards for sewage treatment plant construction have averaged almost \$360 million annually—an increase of 62 percent over the 5-year average before Federal financial assistance became available.

Every Federal dollar expended has been matched by over \$4.80 in local funds.

Despite the great progress made as a result of Federal financial assistance, much more remains to be done. Construction since 1957 has been largely offset by new needs and the number of needed projects remains at 5,100 sewage treatment plants.

In addition to the backlog of treatment plant needs, population growth will continue to create new needs. If municipalities are to catch up by 1970, they will have to spend an average of \$600 million a year to eliminate the backlog, provide for new population, and to replace the plants that will become obsolete.

In order to stimulate construction up to \$600 million a year, the bill authorizes an increase in Federal financial assistance from the present \$50 million annually to \$100 million annually and an increase in the total grant authorization from \$500 million to \$1 billion.

MAXIMUM GRANTS

The need for construction of treatment plants by municipalities exceeding

50,000 population amounts to about 30 percent of total needs, yet these cities have received less than 15 percent of the Federal grant funds under existing legislation. Further stimulation of projects in these areas is desirable. To provide Federal financial assistance to achieve more effectively the required stimulus of necessary construction within this group of communities, the bill would limit the Federal grant to 30 percent of the first \$1 million of the estimated reasonable cost of a project, plus 15 percent of the next \$2 million, plus 10 percent of the remainder of such cost, but subject to an \$800,000 ceiling; however, no grant of more than \$250,000 shall be approved for a project in any State until all applications filed prior to the effective date of enactment of this bill have first been approved.

JOINT PROJECTS

In order to encourage the construction of projects serving more than one municipality, the bill would apply this ceiling to each municipality's share of the cost of the project. The grant for joint projects would be the total amount each participating municipality would have been awarded had it constructed a separate facility with a ceiling of \$2.4 million for such projects.

REALLOCATION

The bill would also provide for reallocation of construction grant funds of a State that are not obligated for the construction of approved projects within 18 months after allocation.

DAVIS-BACON

The bill also requires that with respect to work performed on sewage-treatment projects, the taking of such action as may be necessary to insure payment of wages at rates not less than those prevailing on similar construction in the immediate locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. These provisions now apply to all direct Federal construction, as well as to contracts for school, hospital, housing and airport projects constructed with Federal-aid funds.

ENFORCEMENT JURISDICTION EXTENDED TO NAVIGABLE WATERS

Under the Federal Water Pollution Control Act, Federal enforcement authority applies to pollution of any interstate waters, which the act defines to include "all rivers, lakes, and other waters that flow across, or form a part of, boundaries between two or more States." Under this definition almost all coastal waters are excluded; so are waters which, though they may be navigable, do not cross or form part of State boundaries.

In addition, Federal enforcement authority covers only pollution of interstate waters, defined as above, which "endangers the health or welfare of persons in a State other than that in which the discharge originates." Thus only pollution having an interstate effect is subject to abatement under the existing law.

The bill amends existing law by extending the authority for Federal abatement enforcement action to the pollution of any navigable waters—including

coastal waters—which endanger the health and welfare of any persons.

ENFORCEMENT PROCEDURES

The bill makes a number of changes in existing law relating to procedures in initiating and carrying out Federal enforcement actions. First, in addition to requests from a State water pollution control agency or the Governor of any State to initiate action, as provided in existing law, the Federal Government would be required to enter a case of a municipality, with the concurrence of the State, requests such action.

It is particularly heartening and encouraging to note that at long last the municipality is being brought into the cooperative Federal-State partnership in enforcing abatement of water pollution.

Municipal water supply ranks high on the list of beneficial uses of water. The Water Supply Act of 1958 gave Federal acknowledgement to the importance of providing for present and potential municipal water supply needs in the planning and construction of Federal water resources projects. Our burgeoning population growth, most notable in our urban areas, and the shortages of water already being commonly experienced in various sections of the Nation make imperative the protection and maintenance of the quality of our available water supplies.

The major impact of pollution is felt most immediately by the municipality faced with the problems of having its municipal water supplies degraded. Where such supplies are made unusable by the injurious effects of pollution, the municipality is put to unusual expense in adopting more costly water purification methods in order to provide its citizens with this basic essential. Out-of-basin diversions, some of them traversing great distances, are already the only manner in which the water supply needs of some municipalities may be met.

All of these factors amply justify bringing the municipality into the enforcement partnership. Under the bill's provisions, a municipality adversely affected by pollution and unable to secure relief under its State's laws is presented with the opportunity of being instrumental in bringing Federal enforcement authority into force. This is a truly progressive measure for strengthening the effectiveness of total enforcement authorities by combining Federal, State, and local efforts to abate pollution.

Second, the bill makes Federal enforcement procedures available not only in cases where the pollution discharge crosses State lines, but also whenever there is pollution affecting legitimate uses of the water of any navigable stream whether or not there is interstate pollution. Federal jurisdiction in intrastate pollution situations, however, would be exercised only upon request from the State or from a municipality with the concurrence of the State. No direct Federal action can be initiated in such a case without such a request being made by the affected State.

Third, the bill clarifies and strengthens the role of the Secretary of Health, Ed-

ucation, and Welfare in the enforcement process by providing that the findings and recommendations of the hearing boards shall be the Secretary's findings and recommendations, except to the extent modified by him and authorizing him to issue an order—instead of a notice—based on his findings and recommendations for abatement of any pollution found to exist. To afford adequate protection for the parties in interest, provision is made in the bill for an appeal from the Secretary's order to be taken within 60 days to the U.S. court of appeals. If such appeal is not taken the order shall be final.

Fourth, if action reasonably calculated to carry out the Secretary's order is not taken, he could request the Attorney General to bring a civil action in the U.S. district court to enforce any order issued by him or, after appeal, by a U.S. court of appeals.

This bill should be passed, as the present limited enforcement jurisdiction does not permit sufficient latitude to accomplish fully the interests and purposes of the act, that is the conservation of water resources for the use and benefit of the Nation. Many important segments of some of the Nation's waters are outside the present Federal abatement enforcement jurisdiction. For example, the Missouri River from the Kansas State line to just above St. Louis is untouchable. The greater part of the Hudson River is also excluded, as are important sections of the Tennessee, Columbia, Colorado, and Merrimack Rivers.

Present law also excludes from the Federal abatement jurisdiction the greater part of the Great Lakes and their tributaries, the coastal waters and coastal streams of the Nation, important international boundary streams such as the St. Lawrence, Niagara, Lower Colorado and Rio Grande. The same situation pertains in regard to international streams flowing across our northern and southern borders. For example the Red River of the North in Minnesota, Lake Champlain in New York, Souris River and Riviere des Lacs in North Dakota and the Flathead and Kootenai Rivers in Montana.

The degree of exclusion under the present act is indicated by the fact that there are 1,080 municipalities each discharging wastes equal to a population of 4,000 or more into 845 navigable intrastate water bodies. And also that of the estimated 26,000 water bodies in the country, only about 4,000 are interstate within the meaning of the present act.

An extension of Federal authority to abate pollution in navigable intrastate streams is consistent with scope of the authority of the Corps of Engineers to protect and improve navigation for the promotion of interstate commerce. In fact it would complement that authority.

Extension of pollution abatement enforcement jurisdiction would have other beneficial effects. It would serve to accelerate and facilitate our goal of clean waters to promote the general welfare of the Nation; reduce the incidence of disease and the spread of disease; improve health and increase the abundance of fish and wildlife including shellfish in

coastal areas; and bolster the economy by providing industrial sites where unsuitable water now precludes them.

The proposals of the bill would be beneficial in balancing equities between big and little cities; neutralizing State authority against recalcitrant polluters. The extension of authority would also accelerate abatement processes by permitting cities to request Federal abatement action, with, of course, the consent of the State, when State agencies might have to delay such action for reasons of budget and personnel limitations and the like.

Unless this extension of jurisdiction is given now, I feel future generations of America will be justified in considering us derelict in our duty.

Some ask whether the States can handle the matter alone?

In 1948 the Congress passed the first water pollution control bill. It expressly stated a policy of support of State action. In 1956 the law was made permanent and expressed the same policy—support the States. The Federal Government has paid out millions of dollars in Federal money for construction of sewage treatment facilities; for technical assistance to the States, for research in water problems and for other administrative cost of the acts. But have the States been able to do a job with all this help. The facts show they have not scratched the surface. As of 1960 according to the Conference of State Sanitary Engineers this country still needs 4,136 new plants to serve 22,997,547 persons and this does not include extensions and replacements. That number totals 991 and would serve 19,243,178 people. The conference also estimates it will cost \$2,014,435,400 to clean up the backlog of municipal waste treatment needs.

Now let us take a look at State effort to enforce their laws. The Public Works Committee conducted a survey of the States the purpose of which was to assess tangibly the utilization of enforcement action by the States. The study covering replies from 42 States showed that of the 37 States having authority to issue administrative orders 8 have never done so, only 12 have issued more than 50 each.

The record for court actions is not much better. Seventeen of the 42 States have never instituted court action and only 3 States have instituted more than 15 cases.

It is interesting to note that those States whose laws are less than 10 years old have been proportionately more active in enforcement than those whose acts have been on the books more than 10 years. In fact 5 of the States which have had laws in effect for more than 20 years have averaged 27 orders and 4 court cases since the law was passed while those whose laws have been in effect less than 10 years averaged 34 orders and 11 court cases each.

This is not an impressive record nor in view of the backlog figures can it be said that there is no need for enforcement in the States. The only reasonable conclusion which can be drawn is that active, effective and extensive Fed-

eral enforcement is needed to achieve the objectives of the act.

DISCHARGES FROM FEDERAL INSTALLATIONS

The bill amends existing law to provide that summaries of conferences prepared as a result of an enforcement action shall include references to discharges from Federal installations and that notices of hearings pursuant to the enforcement section shall be sent to Federal agencies having jurisdiction over any Federal property involved and that findings and recommendations of the hearing board shall also include references to discharges from Federal property which are contributing to pollution found by the hearing boards.

That concludes my discussion of the major provisions of the bill, Mr. Chairman.

In conclusion I would like to add that although it has long been axiomatic in American politics that the promises so encouragingly held out in party platforms are promptly and speedily forgotten, we would not have expected so complete a disregard of their announced party stand on the part of our minority friends.

The 1960 Republican Party platform, in the section auspiciously devoted to human needs, includes this pledge in the subsection on health:

Strengthened Federal enforcement powers in combatting pollution and additional resources for research and demonstration projects.

Fully as pertinent was the statement on natural resources enunciated by their standard bearer in October of last year. In its comment on the Federal role in pollution abatement, this statement is unequivocal. Allow me to quote:

It is clear now, however, that amendments to the existing Water Pollution Control Act should be sought so that its provisions can be extended to apply to all navigable waters.

The minority portion of the committee's report has its own answer to this worthy and noble sentiment. It states:

Therefore, we believe that the provisions of existing law which limits application of Federal abatement enforcement measures to interstate waters should be continued in force.

This view is no less difficult to understand when the draft legislation proposed by the previous administration as recently as January 18 of this year is taken into account. In his communication accompanying the submission of the draft legislation, the then Secretary of Health, Education, and Welfare made it pointedly clear that Federal enforcement authority to abate pollution was being requested for application to significant intrastate as well as interstate pollution situations. His recommendations were made in accord with and in fulfillment of the President's directive contained in his 1961 budget message.

We must unhappily conclude, therefore, that the minority members of the committee are engaged in throwing into the discard all of the well-intentioned and meaningful provisions for strengthening Federal enforcement which have been put forth by the more enlightened among them. Once more, as so often before, they offer us too little, too late.

Mr. AUCHINCLOSS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to say in behalf of the minority, we had very pleasant sessions in discussing this bill. We had the cooperation of the majority, and I think the minority party contributed considerably to the discussion. I am very proud to state that in the consideration of this bill, the minority party on the committee had 100 percent attendance at those meetings. This shows their interest and it shows their sense of their responsibility in relation to this very important subject—and it is a very important subject. We think we have a good bill, but it can be made better.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. AUCHINCLOSS. I yield to the gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, may I say of our very dear friend and deeply respected colleague, the gentleman from New Jersey, that the gentleman is being quite modest as far as his own personal contribution and his support of this program is concerned. I, as chairman of the subcommittee, would like to state that the original bill in 1956 very likely would not have come out at that time had it not been for the understanding of the problem and the cooperation and assistance of the leader of the majority on our committee, the gentleman from New Jersey [Mr. AUCHINCLOSS].

Mr. AUCHINCLOSS. My colleague's kind statement has sort of taken the thoughts out of my mind.

But, Mr. Chairman, we feel we can make this bill even a better bill. I urge and beg every Member of the House to read the minority report, which we worked on with a great deal of care. I hope you will read it because I know you will get some benefit from it. And I will read a few sentences from it in the first paragraph. It reads as follows:

We feel that this bill does not give proper recognition to the responsibilities of the States to participate, along with the Federal Government and municipalities, in the costs of construction of necessary sewage and waste treatment works; that it imposes unwarranted obligation upon the Federal Government to finance the construction of facilities which are the primary responsibility of State and local governments; and that the responsibilities and interests of the States are abrogated beyond reason or necessity by the new Federal enforcement measures to secure abatement of pollution.

Mr. Chairman, on our side of the aisle, the gentleman from Florida, has made a great study of this question of stream pollution. I am going to yield to him such time as he may require. I want to express the views of many of us on the committee, on both sides of the aisle, our appreciation to him for his study and his interest in this very important matter. We may not agree with his conclusions, but still he commands our respect; and I am pleased to yield such time as he wishes to consume to the gentleman from Florida [Mr. CRAMER].

(Mr. CRAMER asked and was given permission to revise and extend his remarks.)

Mr. CRAMER. Mr. Chairman, in keeping with the attitude of sweetness

and light prevailing, I will cut my remarks short.

Mr. Chairman, I have some deep-seated feelings with regard to this legislation. I will attempt to express them as briefly and pointedly as possible. I, too, want to say that the committee did take a considerable amount of time in the consideration of this legislation. Amendments were offered to try to improve the legislation.

It is our position that we would like to clear up this water pollution control bill, to make a good bill out of it, to make an effective bill out of it. The purpose of the minority, Mr. Chairman, is not to make a limited partnership out of what is presently a full partnership program between the States and the Federal Government. In my opinion, that is precisely what the majority recommended bill to the committee does. It would make a very limited partnership, if a partnership at all, out of what is presently an effective full partnership between the States and the Federal Government. Let me make certain that my position is clear concerning the matter. We recognize that there are serious water pollution control problems like there are serious other problems throughout the Nation, but the fundamental question remains: What is the proper Federal function in this field? And the converse of it is: What is the proper State function in this field?

I happen to be one who believes in the fundamental principle that there are certain State responsibilities that are coordinate with States rights; that there is such a thing as a vertical separation of powers as conceived under our Constitution; that there are certain reserve powers of the States; that there are proper Federal, State, and local government functions as conceived by the Constitution. I agree that the States should exercise their reserve rights fully, but at the same time must have their rights protected.

So, fundamentally, the issue is: What is the proper State function? What is the proper Federal function? And how can this bill be amended in order to observe this basic concept of Federal-State partnership?

To get to the crux of the matter, let me explain briefly what the present law does, Public Law 660, in this field of State-Federal relationship and what the new proposal does. It is our position that the new proposal practically divests the States of their intrastate pollution enforcement authority and weakens their interstate abatement say-so as compared to the present Public Law 660, and this is precisely what I mean.

Under existing law, Public Law 660, full enforcement measures for the abatement of pollution apply only to the pollution of interstate waters, waters flowing between States, and solely with respect to pollution which endangers the health and welfare of persons in any State other than that in which the discharge originates. That is the present law. Thus, under existing law, Federal abatement proceedings apply only to interstate waters. The minority has no argument with the proposal as recom-

mended by the previous administration of broadening the enforcement of the Federal Government relating jurisdictionally only to interstate streams to include a noninterstate pollution itself, but limiting it to interstate streams as a jurisdictional matter, because of the difficulty in proving that pollution crosses State lines.

When such pollution is believed to exist the Surgeon General may on the basis of reports, surveys, or studies, initiate the Federal administrative abatement proceedings by calling a conference of affected State water pollution control agencies or such proceedings may be commenced by the Surgeon General when requested by a State water pollution control agency or the Governor of any State.

This, of course, is in an interstate situation.

The end product of these administrative procedures consist of findings and recommendations of the Secretary of Health, Education, and Welfare relative to the existence of such pollution and action to be taken for its abatement.

If action is not taken to secure abatement of the pollution, the Secretary may request the Attorney General to bring a suit on behalf of the United States to secure such abatement, but only with the written consent of the State water pollution control agency or any officer or employee authorized to make such request of the State or States within which the pollution is discharged or at the written request of the State water pollution control agency or any officer or employee authorized to make such request of any other State where the health or welfare of persons is endangered by such pollution.

So in order to initiate a proceeding under the present law, which applies only to interstate water, the States may concur in the initiation and must concur in the request for court order setting forth what the action shall be to abate the pollution.

What does the new bill do? I think a brief discussion of it will indicate why the minority is concerned, in that the authority of the Federal Government is greatly broadened to the exclusion of the States in the water area; therefore, that is why particularly under those circumstances we feel jurisdiction should be limited to interstate waters, in addition to the basic question that intrastate water jurisdiction rightfully belongs to the States in the first place and should be retained by them. If it is not retained by the States, if intrastate jurisdiction is not retained over some of these streams, the State water pollution control agency program is going to dry up and wither, and then you will not have a Federal-State program.

Every committee that has studied the problem, including the Kerr committee, and I have the report before me of the other body, also the recommendations of the recent national conference on water pollution, the President's recommendation to the Congress last session, all of these, as set out in the minority views, have all stressed the basic concept of the

necessity of keeping the States in the program and of beefing up the State program. Even the present bill has a provision for additional funds to help States establish administrative procedures and agencies to beef up their own water pollution control agencies on a State level.

On the other hand, we are saying, all right, we want the States to go ahead with their program, but we are going to limit the jurisdiction; as a matter of fact, we are going to take away jurisdiction, the Federal Government is going to have jurisdiction over all waters. You can hardly conceive of a stream of water that is not going to be taken over by the Federal Government as far as water pollution control is concerned under the legislation proposed.

Let me indicate how that comes about by a discussion of the proposed bill.

Under the bill the Federal enforcement measures for abatement of pollution apply to all navigable waters, and if you will look at the bill, H.R. 6441, on page 8, dealing with enforcement measures, section 8(a), reads, the pollution of "navigable waters." That is the terminology that sets forth the basic jurisdiction for control under the new bill.

How about the present law? Section 8(a) of the present law provides "pollution of interstate waters."

So, the proposal is to change the jurisdiction from "interstate" to "navigable" waters. The previous administration under President Eisenhower recommended that the interstate concept be maintained; that the intrastate jurisdiction should be retained by the States and was very explicit in spelling that out in those recommendations. But, he did recommend, and we agree, that if the pollution itself is not of an interstate nature, but if it occurs on an interstate stream, then the Federal Government should have jurisdiction. But, as to what the basic jurisdiction test should be, that it must be an interstate stream, should be maintained. That is the position of the minority, and that is the amendment that will be offered by me at the proper time to offer an amendment, to add the word "interstate" in order to retain State jurisdiction and provide the Federal Government with its proper jurisdiction without injecting itself into proper State functions.

Under the new bill Federal enforcement measures apply to all navigable waters, whether interstate or intrastate, and with respect to any pollution, whether the pollution is intrastate or interstate in character.

Federal administrative enforcement procedures: Now, let me explain these procedures. They have been substantially tightened. I personally favor tightening these procedures in some respects. I do not favor using an intrastate test for jurisdiction on one hand and tightening the procedures and thus eliminating the States from having a part in those procedures on the court order level which they presently have, doing both things—eliminating State jurisdiction on intrastate waters and eliminating State rights and responsi-

bilities in concurring in the request for a court order, which is the present law. I object to that approach.

As it relates to interstate waters, the minority is agreeable that the procedure should be tightened up when relating to interstate waters, in order for the Federal Government to do its job in this field in interstate waters where it properly has its jurisdiction.

Now, let us discuss how these administrative procedures are changed. I have discussed the administrative procedures under present law requiring State concurrence. Under the old procedure the Secretary or the Surgeon General could not issue an order that was enforceable. He only issues and recommends concurrence of the State, and then the court is asked to issue a court order setting forth what shall be done to abate the pollution. Now the procedure is that the Secretary shall issue an order as the result of, first, a conference being called; second, a public hearing being called; third, an order being issued by the Secretary which is enforceable by the court, enforceable without concurrence of the State in requesting such enforcement. The State is not consulted on the order itself as is the case under present law. The State is not consulted on going into court to enforce that order, which is the present law. And, this applies not only to interstate streams but to State streams as well, that is, intrastate streams. The States do not have any say so.

As to whether the stream is within their own State boundaries, whether the Federal Government shall enforce the Secretary's order by going into court, these are the changes being made:

In instances where pollution of navigable waters is endangering the health or welfare of persons in a State other than that in which the discharge originates, whenever requested by the governor, the State water pollution control agency, or the governing body of a municipality, the Secretary may commence such proceedings or he may initiate such proceedings without any request from a State on the basis of reports, surveys, or studies. So, in an interstate case, the Federal Government can initiate the program without request of the States, and can ask for a court order without request of the States. In the case of intrastate pollution, of course, the States are consulted on the initiating procedure. They have a right to a membership on the hearing board, but beyond that they having nothing to say about what the order shall be that the Secretary issues or whether that order shall be enforced through court action.

There is where there is a difference of opinion between the minority and the majority. We do not believe, under those circumstances, of such stringent and broadened enforcement provisions, that the Federal Government should have jurisdiction over intrastate waters; particularly under those circumstances. Basically we do not believe they should have such jurisdiction in the first instance.

Mr. Chairman, there are numerous other aspects, but there is generally serious concern even among some of the State pollution control agencies with regard to the Federal Government taking over what is presently State jurisdiction; because the obvious result is going to be that their jurisdiction will be shrunk and the Federal jurisdiction expanded. How we are going to bring the States into this program, working with them to abate pollution, which we all want to do, by increasing Federal jurisdiction into even intrastate waters, asking for a court order without State approval, is beyond me. I do not think that is the approach. I think as related to interstate, yes—intrastate, no.

Mr. Chairman, briefly with regard to financing, in the last session of the Congress the President vetoed a similar matching-fund bill, providing for an additional \$40 million annually. The House sustained the veto. The House at that time passed a bill similar to this, providing \$100 million in Federal grants-in-aid money, which actually is a community facility program. The Senate passed a bill for a lesser amount, \$80 million. A compromise was reached at \$90 million. That bill was passed by the House and Senate but the President vetoed it and the House sustained that veto.

The amendment to be offered by the minority with regard to that, so far as I am concerned, will be one to reduce the amount from \$50 million increase to \$25 million increase and to require State matching as of 1965, giving the States adequate opportunity to enact legislation to provide for State matching funds.

Again, if this is to be a partnership program, if the States are to be brought into it, even the Secretary of Health, Education, and Welfare said in testimony that he would like to see more States in the program, the question is how do you encourage them to come in? He had no answer to that. He, himself, wanted them to come into such a program. The question is, how do you encourage them, how do you offer an incentive? I think the logical way to do it is to provide for a requirement of State matching for moneys in excess of the present program, effective in 1965, giving them ample opportunity to act, so that we can have a true partnership program on the State-Federal level. Those are the amendments which will be offered by the minority at the proper time.

Mr. Chairman, I promised to yield to the gentleman from Minnesota [Mr. BLATNIK] and I yield to him at this time.

Mr. BLATNIK. Mr. Chairman, as the answer to the question of the gentleman from Kansas [Mr. AVERY], a member of the Committee on Rules, made it abundantly clear, we do not enter into the matter of States rights. We extend the potential Federal enforcement into intrastate waters, waters within a State, only when that is initiated by the State itself, which is shown by the specific language on page 8 of the bill, line 24, which reads as follows:

Whenever requested by the Governor of any State, a State water pollution control agency, or (with the concurrence of the State water pollution control agency for the State in which the municipality is situated).

Then the Secretary of Health, Education, and Welfare can come in with proceedings, the conference, the hearings, and the final order. This will strengthen the States.

Mr. CRAMER. Will the gentleman then explain the meaning of the language on page 10, lines 8 to 13, which very clearly states that in an interstate situation where the public health and welfare is involved the Secretary himself without request by the States can bring such an action?

Mr. BLATNIK. This has been discussed all through the hearings. The gentleman has been talking about the Federal Government's injecting its enforcement powers in connection with intrastate waters. Now the gentleman comes around and dodges on the other side of the question. Read the language. It refers to interstate situations. I will discuss either one. Let the gentleman pick it out, but stick to the one he picks out.

Mr. CRAMER. There is no difference in opinion. As I stated at the outset, State concurrence is required in connection with interstate waters but is not required in connection with intrastate waters. Is that correct?

Mr. BLATNIK. It never was.

Mr. CRAMER. The point is that you are going to extend it to intrastate waters. Does the gentleman say the Federal Government has jurisdiction over intrastate waters under the present law?

Mr. BLATNIK. None. The Federal Government can come in only when the Governor of the State or the health agency feel they need to be bolstered in their attempts to enforce pollution abatement. They themselves must initiate it by asking the Federal Government.

Mr. CRAMER. We have no disagreement on that.

Mr. BLATNIK. The gentleman did not make it clear.

Mr. CRAMER. That is the procedure required, but I ask the gentleman if it is not true that the States do now have a right to participate in making the order or having the order enforced, which is the present law.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Of course there is a different order provided for in the new bill than the order that is provided for in the law.

Mr. CRAMER. That is precisely what I asked in my question. As to the Secretary's order, which he now has authority to issue, as it relates to intrastate streams the States are not consulted on that order, nor are they consulted or required to request court enforcement of that order, which is the case today even on interstate streams. Is that not correct, under present law?

Mr. BLATNIK. No. We would like to proceed and clarify this immediate question of jurisdiction.

Mr. CRAMER. The gentleman agrees that on an intrastate stream the Secretary has the right to issue an order, the States are not parties to the draftsman-

ship of that order, and that order can be enforced in court even on intrastate streams without the State's making the request. Is not that correct?

Mr. BLATNIK. The State initiates the whole operation.

Mr. CRAMER. The answer of the gentleman is "Yes."

Mr. EDMONDSON. The answer is not "Yes."

Mr. BLATNIK. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. SMITH], who is chairman of the Watershed Committee and one of those who had a most intimate and direct role in the drafting of this legislation and conducting the hearings and writing the final report.

Mr. SMITH of Mississippi. Mr. Chairman, I am very proud of the fact that this bill today, the Blatnik antipollution bill, is the first major bill to come from our committee in the present Congress. It is also one of the major items of legislation that is part of the program of the present administration to help provide a better utilization of our national resources in the United States. The chairman of our subcommittee has made very clear the urgency involved in getting this program fully underway. The matter of money, of course, is of great concern to all of us. We wish it could be done at less cost, but we know also that if the minimum which is proposed in this bill is not utilized now, it will cost far more in just a few years.

ENFORCEMENT

We have had a lot of smoke thrown up in the air about this bill in regard to the enforcement procedure, which is really the heart of the matter in regard to these antipollution programs. The whole purpose of this bill so far as the enforcement section is concerned is to give the States a strong arm and a stronger weapon in enforcement. Every type of enforcement involved here is concurrent enforcement. It had to originate with the States. If the States did not start it, it would never be underway. It gives the States a weapon to use in carrying forward this enforcement that they might not be able to have through their own machinery.

We had a lot of talk earlier about the difference between the present law and the change with reference to navigable waters. But, obviously, that means very little. Actually, this talk about the States rights here is nothing more than a smokescreen to cover the efforts of those who would not like to get this thing passed. The best demonstration of that is the fact that every bit of opposition against this is being activated and pushed by the paper companies, the biggest offenders involved in this problem. I hope Members of the House will not be so lax in their duty as to actually fall for this type of propaganda that is being presented by the people who are the worst offenders in this country, and that they will not be misled by some noble words about the type of enforcement. This effort to prevent a strong enforcement provision from being put in this bill is being pushed by the people who do not want pollution to stop. If you want to join with them in preventing an anti-

pollution program and letting pollution continue, then go ahead and vote against the enforcement procedure.

STATES RIGHTS

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The gentleman from Mississippi is well known for his leadership and statesmanship in the matter of protecting the rights of the States in Federal programs. Is it not accurate to say that not only do the States participate with requests for the initiation of action in any type of an intrastate antipollution program, but that the States also participate in the naming of participants in the hearing boards which make the recommendations to the Secretary?

Mr. SMITH of Mississippi. The States participate in this all the way down the final orders involved, and the additional power here is only to enable the States to have the additional weapon to enforce the orders involved. Actually, this provision to give the States the strong arm of the Federal Government in regard to enforcement is put in the bill only at the request of the State agencies involved. They are the ones who came to us and asked us to put this in. We are giving them a weapon which they can use in meeting their responsibilities just as we are giving them in the grants to municipalities for the sewage plant programs the incentive and assistance so that they can carry out their local responsibilities in that regard. In this enforcement procedure, we are giving them the same weapon that they use today with reference to some of our Federal laws such as the Dyer Act and the Mann Act and the Antikidnapping Act. All this does is to help the States meet their proper responsibilities.

Mr. AUCHINCLOSS. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. SCHERER].

(Mr. SCHERER asked and was given permission to revise and extend his remarks.)

Mr. SCHERER. Mr. Chairman, whenever a legislator opposes any of the provisions of a Federal pollution bill, he is immediately charged by the pressure groups with being insensible to the health and welfare of millions of Americans. Of course, this type of pressure tactics is not only applied to pollution legislation.

As an example, those of us who oppose Federal aid to education are charged with being insensible to the needs of our children, inconsiderate of the welfare of our teachers, and the scientific educational needs of the country. As a result, many harmful, unwise, and costly provisions are engineered into basically needed and worthwhile legislation by special interest groups and welfare-staters.

Let me say at the outset that there is no question but that for years local communities and industries have wantonly dumped their untreated refuse into the streams of this country because it always appeared that it was the fellow downstream who had to worry and con-

tend with it. However, when the worm turned and the pollutor became the man downstream, the country generally began to realize that it had a serious problem of such magnitude that drastic legislation, both at the State and Federal level, was needed to stop this pollution.

The Senate in 1956 passed a water pollution control bill which put teeth into enforcement and control provisions. The power of the Federal Government was utilized to compel pollutors in one State to desist upon complaint of another State's being harmed. Research programs by the Federal Government were broadened. The techniques for the treatment of wastes developed by these research programs were made available to the States, local communities, and industries. Legislation such as this was vitally needed, and no sensible person opposed it.

However, when this bill reached the House, those who believe that the Federal Government should inject itself into almost every activity of American life, those who believe that the Federal Treasury is inexhaustible, inserted in the House bill a brandnew grant-in-aid program direct to local communities. The States were bypassed in this new Federal pork-barrel handout.

It is usually the bureaucrats and Federal agencies that conceive these new spending programs. The then President vigorously opposed this new grant-in-aid program. However, some of the professional bureaucrats in HEW secretly wanted it. This is the nature of a meddlesome bureaucracy.

The proponents of this amendment to the Senate bill argued that these grants-in-aid to the local communities would stimulate construction, that local communities could not afford these costly sewage treatment plants—as if the Federal Government could. No State, no local community, in fact, no nation of the world, was and is as broke as the United States. Remember, our debt today is \$50 billion more than the combined debt of all of the States and all of the nations of the world.

Those of us who opposed this new and novel aid program direct to local communities pointed out that the \$50 million a year Federal grant-in-aid money provided in the 1956 House bill was another "foot in the door" spending program; that, in view of the tremendous cost of sewage disposal treatment plants, \$50 million a year was only a drop in the bucket. It was pointed out that the city of Cincinnati which had built its own sewage disposal treatment plants and arranged to pay for them without Federal help by a tax on the water bills of users, had spent \$62 million; that the \$50 million Federal funds authorized in that bill was a snare and a delusion; that once the Federal Government injected itself into this program the funds required from the Federal Treasury would eventually reach astronomical heights.

Last year the Congress increased the amount to \$90 million a year and the President vetoed the bill. The House sustained that veto. The President said

in his veto message that he was vetoing it because—

water pollution is a uniquely local blight; that primary responsibility for solving the problem lies not with the Federal Government but rather must be assumed and exercised as it has been by State and local government.

Of course, the President was right.

Local and State governments which set their minds to doing this job have done it and have done it effectively. The eight States in the Ohio River Valley under a compact created the Ohio River Valley Water Sanitation Commission. Under it the cities, villages, and towns in that great industrial valley had been doing a remarkable job in eliminating pollution without cost to the Federal Government.

The proponents of Federal aid argue that it has been the grant-in-aid program that has stimulated the spending of money on sewage treatment plants. Certainly more money has been spent in the last number of years on sewage disposal facilities, but it has not been Federal aid money that has caused the increase in expenditures. Rather it has been the teeth that were put into the law that caused communities to act. The great bulk of the money spent on sewage treatment facilities has been spent by communities that have had no Federal subsidies. In fact, the average Federal subsidy to a local community has been only about \$75,000. The limit under the present law is \$250,000 to any community. Considering the high cost of sewage treatment plants, only the extremely small communities can receive in Federal moneys a substantial part of the costs.

The bill before the House, of course, increases the authorization to \$100 million a year and also increases the amount any one community may receive. Next year I predict that there will again be legislation offered to further raise the annual authorizations, and that year after year there will be requests for additional increase in authorizations.

It should be obvious that this is what is going to happen. Instead of these Federal subsidies stimulating the building of these plants by local communities, it will delay them because as we increase the maximum authorization for cities, more and more of them will get in line with hat in hand for Federal handouts. They will drag their feet, knowing that Congress the following year will make more Federal moneys available so that they can get their share.

The President last year in vetoing an increase in authorizations supported this position. He said:

By holding forth the promise of a large-scale program of long-term Federal support, it will tempt municipalities to delay essential water pollution abatement efforts while they wait for Federal funds.

The Scripps-Howard newspapers, in commenting on last year's antipollution bill which was eventually vetoed, effectively stated the case when they said:

If the Federal Government permitted the States and cities to mind their own affairs, and if the Federal Government didn't tax these same States and cities so heavily to

pay for Federal "benefits," then the States and cities could levy their own taxes to pay for their own benefits, and, under local supervision and responsibility to the local taxpayers, the cities and States could do their chores a great deal better and a lot cheaper.

The Federal program to build local sewage treatment plants is just one instance.

Now a bill is ready for action on the House floor, proposing to spend \$100 million a year—running up the cost of this program \$400 million in the next 8 years.

It is free-spending ideas like this which run up taxes.

This new \$400 million giveaway should be defeated and if Congress, despite this year's \$13 billion deficit, passes it, it should be vetoed.

It was vetoed. The veto was sustained by the House. This year, however, bureaucrats in HEW have had their way. An amendment to keep the authorizations at the present level of \$50 million a year will no doubt fail. The increased Federal handouts will be approved by the Congress. The President will sign the bill and the sky in the next few years will be the limit.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. SCHERER. I yield.

Mr. JONES of Alabama. Would the gentleman from Ohio be so kind as to tell us how the States become the recipients of these grants?

Mr. SCHERER. Under this bill?

Mr. JONES of Alabama. Under any bill, the method by which the States become the recipients of these grants; in other words, what legislative authority the States have at the present time to participate in receiving grants.

Mr. SCHERER. The States have no authority to receive any grants because, as I have said, we bypassed the States for the first time and gave aid directly to the cities.

Mr. JONES of Alabama. What occasioned that so-called bypassing?

Mr. SCHERER. I do not understand the question.

Mr. JONES of Alabama. What occasioned the fact we bypassed the States?

Mr. SCHERER. The gentleman can answer that question on his own time. I am saying that I am opposed to grants-in-aid to States, because we started, as I said, a new grant-in-aid program at that time direct to cities. It was a foot-in-the-door program. We provided \$50 million and, as the majority leader in his discussion on the rule a few minutes ago pointed out, that is only a drop in the bucket. This amount of money is going to increase from year to year. When you consider that in one city the cost of its disposal plant is \$62 million, you can readily see that a \$50 million Federal funds for the entire United States is going to do practically nothing toward furnishing adequate funds to the communities for the building of sewage disposal plants. What you are going to have is first a \$50 million a year grant-in-aid program then a \$100 million, then the next year a \$200 million request, will be made, and so on—up and up. Last year, as the gentleman from Florida pointed out, when the House and Senate attempted

to increase this amount from \$50 million a year to \$100 million a year, a compromise was reached and a figure of \$90 million appeared in the conference report. That bill was vetoed, and the President said in his veto message:

Because water pollution is uniquely a local blight, primary responsibility for solving the problem lies not with the Federal Government but, rather, must be assumed and exercised, as it has been, by the States and by local governments.

Here is the question the House must decide: Whether this year we are going to expand these grant-in-aid provisions or we are going to cut them off now. This is a program that should be handled as it has been by local communities that are now compelled to do so because of the strong enforcement provisions put into force by the 1956 act.

There are many new enforcement provisions in this bill that are good and should be enacted into law to enable the States and Federal Government to move in against those industries and against those municipalities that will not treat their own waste.

So when the bill is being read under the 5-minute rule I shall offer an amendment to strike out the provision which would increase the amount for Federal grants-in-aid from \$50 million to \$100 million a year and from \$500 million to \$1 billion over a 10-year period.

Mr. JONES of Alabama. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. EDMONDSON].

(Mr. EDMONDSON asked and was given permission to revise and extend his remarks.)

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, water, in more than a symbolic way, is the lifeblood of civilization. If we turn to the pages of history, and examine the decline of empires, we find many causes. But no loss more surely, more irrevocably dooms a great civilization than the loss of its water supply. All the great cultures have arisen where water is plentiful and pure. And when that abundance, or that purity, has been damaged, desolation has followed, as surely as the night the day. Today, for the first time in our history, this Nation faces a future in which the foreseeable water supply may be less than the demand. We must, as the committee report on this bill so clearly points out, prepare ourselves for the careful use and reuse of our water supply.

Earlier this year, I was proud to be among those Members of this House who joined with the able gentleman from Minnesota [Mr. BLATNIK] in introducing bills similar to his H.R. 4036. Today, I am delighted to be able to cast my vote for H.R. 6441, the bill produced by the Public Works Committee, under Mr. BLATNIK's leadership.

I have read the committee hearings. They tell a compelling story. I have read the report of the Department of Health, Education, and Welfare, and I am deeply proud that this administration has seen fit to greet this legislation

with constructive suggestions, rather than with the stone wall of opposition which has cost us irreplaceable time in the last few years.

Never has the Nation's need been greater for expanded research in water pollution. And never have our guidelines been clearer for the establishment of the field laboratory and research facilities as proposed in H.R. 6441.

President Kennedy, in his natural resources message, stated:

I propose an intensive and broadened research effort to determine the specific sources of water pollution and their adverse effects upon all water uses; the effects upon the health of people exposed to water pollution; and more effective means of preventing, controlling or removing the contaminants—including radioactive matter—that now pollute our rivers and streams so that the water may be safely used.

A Senate select committee, under the able chairmanship of Senator KERR, of Oklahoma, has just completed the most comprehensive study ever undertaken on national water resources. The committee has told us:

The only way to forestall disaster tomorrow is to begin today on the prolonged procedures of research, planning, and constructing. * * * We must greatly expand our scientific research programs to develop ways to make better use of available water.

Last December there occurred the first National Conference on Water Pollution—called at the direction of the President. Of the conference's 30 major recommendations, no less than a half dozen stressed research. No. 24 said:

The flow of research findings on the water environment must be increased and intensified in depth as well as breadth.

Another urged that the Public Health Service assume leadership in establishing safe allowable concentrations of toxic contaminants in water for human consumption.

For the past 45 years no fundamentally new sewage treatment processes have been developed. The Public Health Service has just begun limited research seeking more effective means of treating municipal wastes. Countless new chemicals are finding their way into our Nation's waterways as a result of the great technological advance since World War II. They defy treatment by presently known processes, and they are progressively building up in our surface waters. Radioactive wastes pose still additional threats.

The President's Water Pollution Control Advisory Board has repeatedly called attention to the need for greater research. The Board held one of its meetings a year ago at the Robert A. Taft Sanitary Engineering Center in Cincinnati. The members went there specifically to study the work and intelligently recommend needed expansion in water pollution research. In its report to the Surgeon General, the Board pointed out that "the Center with its present space and staff is highly inadequate to cope with new problems of the chemical and virus age" and that "the present staff and budget is about one-third of the actual present need in the national water research program." These

were actual quotes from scientists in charge at the center who are dealing—day by day—with the Nation's water pollution research problems.

Many of the States are not financially able to set up and maintain their own water pollution research laboratories. They must depend upon Federal facilities. Most requests for such services at Cincinnati now come from States within less than a 500-mile radius.

The regional laboratories proposed in H.R. 6441 would bridge a dangerous gap—growing constantly wider—in needed resources to safeguard the Nation's water supplies. Support for water pollution research has always been disproportionately low with respect to its need and importance. Last year it totaled less than \$5 million for Federal, State, industry, and university programs. This is sufficient barely to "touch base" with the many serious water pollution problems that need solution.

Strengthened pollution control programs, including research, are of particular importance to the Pacific Northwest. In addition to its needs for clean water for municipalities, industry and agriculture, this region has special reasons for requiring maintenance of water of the highest quality. The scenic resources of the Pacific Northwest are outstanding: The region serves as a recreation-vacation area for people from all over the United States. The Pacific Northwest, together with Alaska, contains what is left of the Nation's important salmon resource—a resource, I would remind you, which has long since disappeared from the Atlantic coast due to pollution.

Within the past several years there has been strengthened planning for water resource development in the Columbia River Basin. The U.S. Army Corps of Engineers developed its major water plan in 1958 providing for flood control, power, navigation and related water uses. The treaty with Canada, which the Congress now has under consideration, provides for vast additional river basin development. During the past year the Public Health Service's Columbia River Basin office, located in Portland, has been preparing for the development of a strong water pollution control plan for the Columbia Basin and adjacent northwest coastal areas. This plan is being developed in cooperation with the States of the area and would provide a broad framework guiding the future pollution control activities within the Northwest. There is dire need for adequate research facilities to complement this comprehensive development.

Pollution problems in the Columbia River Basin differ from those in other areas. There is need for research dealing specifically with pollution problems of the Pacific Northwest. The important anadromous fisheries, the pulp and paper industry, special climatic and hydrologic conditions, and many other facets, all combine to create conditions requiring specific research—conducted within the region itself.

There is strong support from many sources in the Pacific Northwest for this

legislation. The Pacific Northwest Pollution Control Council, for example, made this statement last year to the Senate Select Committee on National Water Resources:

There are increasing signs that unless major technical breakthroughs are achieved during the next half dozen years, an increased portion of our water resources will become unfit for use even with the full application of present-day knowledge for feasibly treating sewage and industrial wastes. Although such signs are more commonplace in many areas of the East and Midwest, similar situations are beginning to arise in the Willamette River in Oregon, in the Yakima River in Washington, and in other places in the Pacific Northwest. Answers to this problem need to be obtained now if we are to prevent the wasting of our waters in the future. The speed and accuracy with which we solve these problems depends solely on the accumulation of new knowledge. This knowledge must come from research.

The immediate need is for the provision of funds to expand the research program. In addition, the proper place to seek many of the answers to the problems of the Pacific Northwest would be through the establishment of a Pacific Northwest regional laboratory of the Public Health Service in order to give more intensive study to the problems of this region.

Less than a month ago the Oregon State Legislature sent to President Kennedy, to the Senate, and to the House of Representatives, its enrolled Senate Joint Memorial No. 9, urging passage of legislation to establish a Pacific Northwest Pollution Control Laboratory by the U.S. Public Health Service—

dedicated to advancing the frontiers of knowledge by conducting research for the treatment of water, waste waters * * * and the control of pollution for the protection of the health and well-being of the people of the Pacific Northwest and, at the same time, making possible the safe and orderly development of industries on which the economic advancement of the region depends.

I submit, Mr. Chairman, that we can no longer afford an inadequate program of research dealing with so vital a resource as water. More than 182 million U.S. citizens now are using 325 billion gallons of water daily. While the national population increased 19 percent in the past decade, water use gained 64 percent. We are entering a critical water supply situation—seriously complicated by pollution—which must have immediate attention. We of this 87th Congress have a serious obligation to provide the needed intelligence to deal with it through adequate research facilities.

There is broad public support for this bill. Public health officials have testified in its favor. I ask that there be printed at this point in my remarks the excellent letter sent to me by Dr. Richard Wilcox, Health Officer of the State of Oregon.

OREGON STATE BOARD OF HEALTH,
Portland, March 13, 1961.

Hon. EDITH S. GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: Reference is made to H.R. 4036 and related bills which are now being heard before the Subcommittee on Rivers and Harbors, House Public Works Committee.

We have reviewed the bill carefully and strongly support all of its provisions except the amendment to section 2 which transfers the responsibility for water pollution control from the Public Health Service to a separate water pollution control administration.

The public health implications of water pollution control have become increasingly more important during the past several years, particularly in view of increased populations and industrial production with their attendant demands for more water of higher quality.

The control of water-borne virus diseases, as well as the probable necessity for more careful control over the disposal of some of the complex chemical wastes which may affect human health, can best be handled by those skilled in public health procedures. I also believe that the Public Health Service has the competency and the technical staff necessary to carry on such a program in a manner which will gain the acceptance of both the Congress and the people, provided sufficient support in the way of adequate appropriations are made for water pollution control activities.

The Federal grants which have been available to Oregon under the present Federal Water Pollution Control Act have been most helpful in accelerating the construction of public sewerage works needed to abate pollution. They have also been of assistance to smaller communities faced with difficult financing problems.

While a great deal of progress has been made in Oregon, sewer systems and new or improved sewerage treatment works are needed by many communities if we are to gain any headway in the control effort. It is appropriate, therefore, that grants for construction of treatment works be increased so that cities and other political subdivisions in this State can meet both their current and future needs for waste treatment facilities.

Your attention is particularly directed to section 3 of the proposed legislation which authorizes the establishment of regional field laboratory and research facilities. The need for greatly expanded research in the field of water supply and water pollution control cannot be too strongly emphasized. The highly complex and diversified demands for water resources in the United States present a need that is a research problem in water quality control that cannot be satisfied by a centrally located laboratory which already has heavy demands placed on its staff and is a half a continent from many other problems on which study should be undertaken.

We urge you to strongly support the establishment of enactment of legislation which would establish the regional laboratory since there is an urgent need for such a facility in the Pacific Northwest.

With regard to the enforcement provisions of the proposed legislation, it appears that substantial safeguards have been included which would permit a State like ours that has an active and progressive water pollution control program to carry on its activities without Federal intervention. It is hoped that you will make certain that these safeguards are included in any act which is finally adopted.

It is requested that you take such measures as you may consider appropriate to insure the enactment of this legislation with the exceptions which have been outlined in this letter, and to assure that appropriations are made to the full extent authorized by law so that the excellent work which has already been done can be continued.

Very truly yours,
RICHARD H. WILCOX, M.D.,
State Health Officer.

Chambers of commerce and labor unions find common ground in this leg-

isolation. As evidence of this, I ask that there be printed at this point in my remarks, letters from Mr. Todd Forrest of the Oregon State Jaycees, and from Mr. William Westerholm, executive secretary of the Columbia River Fishermen's Protective Union:

SALEM JUNIOR CHAMBER OF
COMMERCE JAYCEES,
Salem, Oreg.

Hon. EDITH GREEN,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MRS. GREEN: The waterways of the United States should rightfully be declared our greatest resource. Not only is clean water essential to life and industry, but recreational activities associated with water have become the greatest "participation sport" ever known to the world, in spite of pollution. Very few of us could quell the urge to exercise that was generated within us at the lakes and rivers and beaches when we were younger; now it is not at all difficult to restrict our exercise to rockthrowing, walking, and bathing suit ogling.

The restraint has not been imposed by age alone, either. Negligence, greed, ignorance, laziness, selfishness, commercialism, and that universal curse of mankind, non-application of the Golden Rule, have all contributed to the present unattractive appearance of our Nation's waterways.

What a waste of resource. Beauty, recreation, exercise, industry, and economy lost because of pollution.

Our Nation, cleaned by a litterbug broom, compressed by a girdle of highways, has lost many, and is losing the rest, of the beauty spots that the first two improvements have made even more necessary.

Oregon is especially hampered by pollution's waste. With our magnificent rivers and lakes, public beaches, and manmade waterways we should be the Nation's favorite outdoor recreational area. As we are, if one cares to drive far enough. But imagine the selling point to industry if Oregon could invite industries' highly educated, specially trained and, consequently, more selective employees to swim or boat or fish an easy 5 minutes from their homes.

But as matters now stand neither they nor anyone else can enjoy clean water without a 50-mile drive. (We complain about a 50-mile drive; other States would consider that convenient.)

Cities and industries have been proven to be the worst offenders, but private citizens are not blameless: indeed, the fault lies with each private citizen for not insisting that their waterways' cleanliness be maintained. Waterway pollution, to the private citizen, seems related to Mark Twain's weather: "Everyone talks about it, but no one does anything about it."

H.R. 4042 is an excellent beginning to do "something about it."

It is unfortunate that it has become necessary for the Federal Government to initiate the means of reform contained in H.R. 4042, but apparently the States cannot conceive of benefits accruing from clean waters within State boundaries. It therefore becomes mandatory for the Federal Government to make information concerning pollution available to the States.

Field laboratories in the various sections of the Nation, if they work with local industries, municipalities and individuals, and if they utilize local graduate students, sanitation engineers, and production managers to prove to the various regions that the laboratories are concerned with a given area's particular problem, can be of inestimable value to State and local sanitation authorities. But if one or two laboratories are meant to serve the Nation, removed States will not be too concerned about

achievements. The Federal laboratory in Ohio has undoubtedly been of value to sanitation experts, but Oregonians cannot be convinced that it has solved the sulphur disposal problem connected with paper manufacture.

But if a Federal laboratory located in Salem, Portland, or St. Helens were to initiate studies of economically feasible sulphur disposal methods the entire populace would be available for advice, criticism, complaints and acknowledgments. Be available? They would demand to be heard.

So it would go throughout the Nation. Small, unorganized groups in every walk of life are in complete accord with the Public Works Committee's problem, as is every citizen, if the citizen were only aware of it. (How could anyone be unalterably opposed to waterway cleanliness?) But without initial impetus, as is provided by H.R. 4042, the situation will gradually worsen until correction will cost many times the money and manpower expenditure proposed in the bill.

The Oregon Legislature on Tuesday, March 14 defeated a bill designed to assist the Sanitation Authority in enforcing their recommendations, on the grounds that the bill would give the Sanitation Board too much authority. Can such an appointed board have too much authority? Can their findings, limited though the board is by money and manpower shortages, be forever questioned and refuted without any corrective measures being adopted? The answer should be no.

Speaking now of the Willamette Valley only, what can be done? The paper plants and canneries using the Willamette for a sewer know they are polluting the river, but the wages they pour into our economy help offset inconveniences caused by their effluence. But they are willing to cooperate. In fact most, if not all, spend large sums of money each year in private investigations of waste disposal. How much more economical it would be if these sums of money and energy and findings were going into a locally situated Federal laboratory for evaluation.

Cities on the Willamette have also been made aware of their sanitation shortcomings. The largest has been hampered by the public's unwillingness to vote necessary funds; smaller communities have banded together to insist that until the large city provides proper corrective measures the smaller communities will remain uncorrected. A suggestive body, such as a field laboratory, annually equipped with local facts and figures, could greatly assist in eliminating these petty bickerings and make the people upstream aware of their obligations to people who live downstream.

Thank you for the opportunity of making this incomplete statement. If it has been, or can be, of assistance I shall be happy. Use it as you deem necessary and please let me know if I or the organization I represent can be of further assistance.

Sincerely,

TODD FORREST,
Chairman, Oregon State Jaycee Waterway Cleanup Campaign.

COLUMBIA RIVER FISHERMEN'S
PROTECTIVE UNION,
Astoria, Oreg., March 13, 1961.

STATEMENT OF THE COLUMBIA RIVER FISHERMEN'S PROTECTIVE UNION IN SUPPORT OF H.R. 4036 AND H.R. 4042

I am William Westerholm, executive secretary of the Columbia River Fishermen's Protective Union, whose address is 322 10th Street, Astoria, Oreg. Our organization is made up of commercial fishermen producers who operate in Columbia River between Oregon and Washington. Our objectives are stated on our letterhead, "Maximum Harvest Consistent With Sustained Yield."

We supply salmon to those who like to have fish available for use and are unable to catch them personally—especially the aged, the ill, and the infirm, and to return an income for many families and businesses and employees.

Our organization has worked since the early 1930's on the problems of cleaning up our rivers. We have had excellent cooperation with sportsmen's organizations in letting the public know of the real need for having clean, unpolluted public water available for all uses.

The problem is larger than any one organization or industry can handle and we believe that the U.S. Government is the only agency that can coordinate the efforts of all to solve the problem. We are definitely in favor of section 3 of the resolution, which would provide funds for a field laboratory in the Northwest. The research can be done more efficiently in the Northwestern States than elsewhere as costs are lower than elsewhere and skilled staffs in the State universities and State agencies and industry are willing to cooperate in the research.

Much of the problem is due to the industrial wastes put into our rivers. Accompanying this statement are five photographs and exhibits showing samples of industrial pollution, to wit:

Exhibit A: Clean gill net.

Exhibit B: Same net, showing slime pollution after a drift in the Columbia River.

Exhibit C: Same net showing slime pollution from industrial wastes.

Exhibit D: Type of Salmon we are trying to save.

Exhibit E: Economics of fisheries.

Research will solve these and similar pollution problems and show the way to make useful byproducts from wastes.

The increasing use of insecticides in agriculture which get into our streams is creating a new problem and contributes to the killing of fish and aquatic life, and if uncontrolled will adversely affect public health.

The cities and individuals are placing increasing amounts of human wastes into our waters. With the ever increasing popularity of water skiing and water sports, there is a real hazard in exposing our people to loathsome diseases and epidemics transmitted and carried by human and industrial wastes in public waters.

We feel that scientific research is the only way to solve the problems and our Government is the only agency that can coordinate efforts to clean up our waters. We ask that adequate funds should be appropriated at once to establish a field laboratory in the Columbia River area at once to solve the problems of water pollution. The results of such studies will be available to other areas.

We sincerely thank this committee for their real interest and their efforts to solve these problems at once.

Sincerely yours,
COLUMBIA RIVER FISHERMEN'S
PROTECTIVE UNION
By WILLIAM WESTERHOLM,
Executive Secretary.

The bill, Mr. Chairman, has even, according to the hearings, earned the support of the DAR—or at least its Maryland State chapter. I submit that with this truly universal support, the bill should pass without difficulty.

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Illinois.

Mr. KLUCZYNSKI. Mr. Chairman, as a member of the Committee on Public Works which has considered this water

pollution legislation over the years, I am extremely happy and pleased to see H.R. 6441 being considered by the House today.

I am certain that all of you are well aware of the fundamental problem that now faces us as regards our Nation's water supply. The water table remains constant but our population is exploding at a tremendous rate. Thus day by day the amount of users of water increases steadily, while the available water supply continues to remain at a fixed figure. From this, it is obvious that there is every need to conserve and have available as much pure, fresh water as possible. For this reason, the need to clean up our Nation's streams, rivers and lakes has become a must. H.R. 6441 is a gigantic step in this direction and I strongly urge its approval.

In connection with my own home State of Illinois and city of Chicago, I am particularly pleased with the fact that this bill authorizes a continuing study of the quality of the waters of the Great Lakes. The Great Lakes constitute the largest single source of fresh water in this hemisphere. They must be protected from pollution caused by population and industrial growth and increased shipping.

Particularly in connection with the Great Lakes, I am pleased that this would allow for a full and proper study of the pollution problem concerning my own city of Chicago. For many years I have joined with my colleagues from the metropolitan area of Chicago in urging legislation that would provide for a proper study of the sanitary problems in the city of Chicago and with waters of the Great Lakes immediately adjacent thereto. It is my understanding that under this legislation the Department of Health, Education, and Welfare will carry out such a study and make the necessary recommendations that will in the long run provide the final solution to Chicago's sanitary problems.

Chicago being the progressive city that it is will take full advantage of these studies and the recommendations that they bring forth and thus this legislation, among other things, will, I hope, bring about a full and final solution of our local pressing sanitary problem in Chicago.

H.R. 6441 is needed legislation. Its passage is a must for the full development of the economic development of our country and I hope today the House will put its stamp of approval on this legislation and that it will pass in a resounding fashion.

(Mr. KLUCZYNSKI asked and was given permission to revise and extend his remarks.)

Mr. LANKFORD. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Maryland.

Mr. LANKFORD. Mr. Chairman, I want to take this opportunity to congratulate the chairman of the subcommittee and the members of the subcommittee for bringing out a most important piece of legislation which is so badly needed by this country.

Mr. Chairman, I rise in support of H.R. 6441 and desire to once again con-

gratulate our distinguished colleague, the gentleman from Minnesota, JOHN BLATNIK, for his outstanding leadership in our common fight to protect our Nation's greatest single resource—water.

I am privileged again in this Congress to cosponsor the bill before the House today. Although I am heartily in support of all provisions of H.R. 6441, I would particularly like to emphasize the provision of the bill which makes discharges from Federal installations subject to administrative findings by the Department of Health, Education, and Welfare. This section of the bill will mean a great deal to those States such as Maryland, that have a large concentration of Federal activities. I believe that the enforcement procedures in the bill will bring to this program vigor and vitality that will inspire all of our political subdivisions to join the Federal Government in this all-out war against filth.

I am particularly proud that the State of Maryland is one of the five States that has created a companion State-grant program whereby any municipal corporation in Maryland that is eligible for a Federal grant is automatically entitled to an additional State grant.

Gov. J. Millard Tawes in a recent letter to me has stated:

It is, I think, no exaggeration to say that the Federal Water Pollution Control Act of 1956 has put Maryland in a position where it can now see a solution to its pollution problems. The Federal grant program plus the State-grant program makes it possible for our small cities and towns to undertake the heretofore financially prohibitive construction of needed sewage treatment facilities.

The passage of H.R. 6441 will give us a national pollution control program that will serve notice on one and all that we intend to mount a continuing war against the ever-increasing filth of our Nation's streams.

(Mr. LANKFORD asked and was given permission to revise and extend his remarks.)

(Mr. JOHNSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. JOHNSON of Wisconsin. Mr. Chairman, today we have the opportunity to assure our present and future citizens of an adequate supply of clear, clean and drinkable water. Water means life to all living things, and that includes the human race. With water, we live. Without it, we die. Therefore, it is proper that we consider water to be our oldest friend as well as our most valuable servant. We have no right to contaminate it, and, as a society, we must prevent others from doing so.

Unfortunately, America's lakes, streams and rivers are being used as a vast, floating garbage can. More wastes have been poured into them in the last half-century than have been removed. The first noticeable effects of such pollution are odors and unsightliness, followed by a dropoff in the numbers of swimmers, boaters and picnickers. Less noticeable, but very much present, is the rise in the incidence of communicable waterborne disease.

Clean water is a challenge to the Nation. Unless brought to a halt, the continuing pollution of a large part of our indispensable present and future water supply will create increasingly serious problems for every citizen. These problems involve our public health, our economic growth and our general enjoyment of life.

Mr. Chairman, America has already begun to feel the pinch of a water shortage. In 1957, a U.S. Geological Survey study revealed that a thousand communities in 47 States were suffering from restricted water use. This affected 15 out of every 100 of our citizens. In order to maintain today's ratio of water use to water availability, we must increase our supply of available water by one-third by 1975.

In other words, we are fast approaching the point where we will not have a drop of water to waste. I strongly feel that such a critical situation calls for a broad and comprehensive water pollution control program such as the one outlined in Congressman JOHN BLATNIK's bill, which I was glad to join him in sponsoring in the House. This measure will double the existing Federal grant program under which local communities can receive funds to aid in the construction of waste treatment facilities. It also substantially strengthens Federal enforcement authority to abate the pollution of navigable waters, making possible for the first time uniform pollution control regulations throughout the country. Last but not least, the bill authorizes expanded research into the problem of water pollution.

Seventeen municipalities in my home district can testify to the effectiveness of this Federal grants-in-aid program, for it has enabled them to build or modernize their sewage treatment plants. They are the towns of Abbotsford, Baldwin, Blair, Durand, Eau Claire, Fairchild, Granton, Greenwood, Hudson, Independence, Menomonie, Merrillan, Osseo, Prescott, Strum, Whitehall, and Withee. Mr. Speaker, if you were to talk to any of the officials and residents of those towns, I know they would have nothing but high praise for the program which has enabled them to clean up their water supply. By stepping up this aid to local communities, we will be helping many more municipalities to provide safe, pure water for their citizens.

I also want to comment briefly on the provision dealing with the all-important matter of research in the field of water pollution control. I feel that it is vital to the success of the entire Water Pollution Control Program to conduct research on the varying pollution problems of the different areas of this vast country of ours. For this reason, the bill provides for the establishment of field laboratories and research facilities in various sections of the United States in order to give special attention to the specific problems of each region.

Coming in for an intensive study will be the Great Lakes pollution problems, which has been intensified by the increased use of the Lakes since the opening of the St. Lawrence Seaway. Since

I hail from Wisconsin, I am thoroughly familiar with this growing problem that faces the people who live along the Great Lakes.

Mr. Chairman, I would like to point out in closing that President Kennedy's Natural Resources Advisory Committee, of which I am a member, has urged the adoption of legislation to establish a national water pollution control policy that will protect and enhance the capacity of water resources to serve the widest possible range of human needs. Congressman BLATNIK's bill was drafted to carry out the recommendations of the Advisory Committee. I might add that President Kennedy urged the adoption of legislation along the lines of this measure in his special message on natural resources, which was sent to Congress on February 23.

As Representatives of the citizens of the United States, we are charged with the tremendous responsibility of putting into effect a water pollution control program which will not only aid this generation but succeeding generations as well. Despite the great progress that has been made as a result of our present Federal water pollution control law, much more remains to be done in order to assure a safe and adequate water supply today and in the years to come. Therefore, I hope that the water pollution control bill now before the House will be speedily enacted into law.

(Mr. COHELAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. COHELAN. Mr. Chairman, I rise to support H.R. 6441 which would extend and strengthen the Federal water pollution control program and assist the States and local communities in providing more effective programs of water pollution control.

Mr. Chairman, there is no resource problem confronting us today which is more important than developing new supplies of water and protecting those supplies which we already possess.

President Kennedy succinctly stated the problem in his message to Congress on February 23 when he said:

Our Nation has been blessed with a bountiful supply of water; but it is not a blessing we can regard with complacency.

At the present time, we in the United States are using over 300 billion gallons of water daily. By 1980 our daily demand is expected to exceed 600 billion gallons, or twice our present requirements.

Until now we have been able to meet our ever increasing needs by constructing water storage facilities. By 1980, however, it is estimated that our demand for water will exceed our supply by 85 billion gallons per day.

Efforts to find an effective and economical means of converting salt water into fresh, usable water are of unquestioned importance. As Justice Fugate, representing the American Municipal Association, pointed out to the Committee on Public Works, though, the most effective assistance we can give ourselves in the immediate water crisis is to clean up the water we have. As increasing demands are placed against our limited

supplies, more usable water can be provided by the prevention and control of pollution than by any other means.

Mr. Chairman, H.R. 6441 is crucial to our Nation's interests and welfare and I urge that it be passed today.

Mr. EDMONDSON. Mr. Chairman, I was very pleased a few minutes ago to hear the gracious tribute by the chairman of the subcommittee to the ranking minority member of our committee, our beloved colleague, the gentleman from New Jersey [Mr. AUCHINCLOSS]. I think the sentiment expressed is shared by all of us on the majority side of the committee. And, just as emphatically I would like to state what I believe is the view of the committee also, that the entire Nation owes a great debt of gratitude to the gentleman from Minnesota, our able and distinguished colleague, JOHN BLATNIK, for his leadership in this field.

There are all over this country today millions of Americans who are drinking cleaner and purer water because of the fight which JOHN BLATNIK has led for legislation of this kind in the Congress of the United States. And, I doubt very seriously, when all of us end our terms and our careers in the House of Representatives if we will have done any single thing that contributes more to the development of our country, to the provision of a better and a finer life for our children and their children than the parts which we have played, however small it may have been, in advancing legislation to clean up our rivers and streams and the waters which the people of America drink.

It seems to me that most of the preoccupation and most of the concern on the minority side that has been expressed on the floor deals with the fact that we are proposing to extend jurisdiction under this bill; that we are proposing to take in more waters in this land of ours that are not today covered. There has been no complaint at all that I have heard that there has been any arbitrary use of this power in the waters that are already under the bill; there has been no complaint that anyone has been mistreated or that in any way the Federal Government has been abusive of its powers and responsibilities. But, there is a strong argument that we should not extend the Government's responsibility in any form or in any fashion by this bill. The chairman has told you that today we are able to take care of only about 4,000 bodies of water in the United States under this legislation; that 22,000 bodies of water remain outside coverage. Our good friend from Florida would like to keep those bodies of water outside the coverage in this legislation. I have been unable to discover any reason why. He has not indicated any reason to us that represents anything wrong with the program. He has not criticized the mechanics; he has not criticized the exercise of discretion which thus far has been present in the program. He simply says, "Let us not expand it and let us not deal in any more water." My friends, if this is a good program for 4,000 bodies of water in the United States, why not be fair to those people who live on the other streams and the other rivers? Why not give to those

people in other communities which do not have the protection of this law all the power and authority that has thus far been exercised discreetly? Why should we deprive any group in this land of ours who today are the victims of polluted water the benefits of this program and the opportunity to correct that pollution?

I do not think the gentleman from Mississippi intended a few minutes ago to imply that our friend from Florida was a friend of the polluter, but I will say to you that if I were polluting the streams of America today with a big factory or with some other type of operation, I could not handpick a better position to defend against any Government action to stop that pollution than the position which has been taken by the gentleman from Florida. Let us extend this program to all the people. Let us make it possible to clean up all our streams and all our waters.

Mr. BLATNIK. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CLEM MILLER].

(Mr. CLEM MILLER asked and was given permission to revise and extend his remarks.)

Mr. CLEM MILLER. Mr. Chairman, I take this time to ask a question of the chairman of the subcommittee, the gentleman from Minnesota [Mr. BLATNIK]. I want to identify myself in support of this legislation. To northern California, this legislation, Public Law 660, has meant the difference between pure and polluted streams. It has done more for northern California, for the wildlife and the economic prosperity of the area, than almost any other piece of legislation. Conservation groups such as the California Wildlife Federation regard it as the most important Federal legislation in many years. It is a tribute to the efforts of the gentleman from Minnesota [Mr. BLATNIK].

Mr. Chairman, this is what I want to ask the gentleman from Minnesota. We have a very serious problem in southern Oregon and northern California in Klamath Lake and River Basin. Due to certain conditions algae infests the area, Klamath Lake, Copco Lake and the river. The dying algae gives off a poison fatal to fish and thus affects the economy of the area which is dependent on it. I should like to ask: Will this bill permit research to cure this problem? Would it be within its purview?

Mr. BLATNIK. In my opinion, it certainly would include study of such a problem. The reason we are recommending regional research laboratories is because of the great difference in the character of pollution in different areas. In the gentleman's area there is the problem of algae, with which I am familiar, and which is a very important, difficult, and up to this time, unmanageable problem. We have problems in the Northeast, in the Great Lakes, on the east coast, where we have high concentrations of industrial activities, where chemicals are used, and so forth. There are these variations. In the gentleman's case the problem of algae definitely would be included.

Mr. CLEM MILLER. I thank the gentleman very much. I am sure the gen-

tleman from California [Mr. JOHNSON], in whose district Copco Lake is located, and the gentleman from Oregon [Mr. ULLMAN], where Klamath Lake is located, will join me in appreciation of the answer the gentleman has made on this subject. It is of such tremendous importance economically to the welfare of the people of our area.

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD and to revise and extend his remarks, and include extraneous matter.)

Mr. ULLMAN. Mr. Chairman, I want to thank the gentleman from California [Mr. CLEM MILLER] for bringing this important problem to the attention of the House. In our concern regarding the many and serious water pollution problems of urban areas we sometimes tend to forget that the rural areas of our Nation also have water pollution problems. Noxious algae have become a real pollution problem in my area of the West. A specific example is the problem of noxious algal bloom on Upper Klamath Lake in Klamath County, Oreg. It is a serious one which should be given thorough study by the research facilities which enactment of this bill will provide. As documentation on the nature and extent of this situation I want to include as a part of my remarks a report by Kenneth McLeod, Jr., research consultant at Southern Oregon College in Ashland, Oreg., entitled "A Proposed Study for the Control of Noxious Algal Bloom."

The measure under consideration calls for establishment of research facilities in various parts of the Nation, including one in the Pacific Northwest. Such a laboratory could continue the type of work which Mr. McLeod has outlined as a part of its task of conducting investigations and field studies. The point, Mr. Chairman, is that our rural areas as well as our urban areas have a vital interest in the passage of this important measure and the implementation of the needed research to build on this type of work in developing a solution to the problem of algae pollution along with other water pollution problems.

As a cosponsor of legislation to expand the water pollution control program I am in full support of the bill which the Public Works Committee has reported. I oppose the weakening amendments offered and urge my colleagues to pass the measure recommended by this able committee. We need this research program along with the other provisions of this excellent legislation so that the serious situation on Klamath Lake can be studied and corrected. We need this bill to go forward in meeting our crucial water pollution problems across the Nation.

A PROPOSED STUDY FOR THE CONTROL OF NOXIOUS ALGAL BLOOM

(By Kenneth McLeod, Jr.)

SUMMARY

To determine the ecological factors responsible for the observable Daphnia-algae cycle which now controls algal bloom at several sewage lagoons in northern California and southern Oregon, and to see if it is possible to extend this apparent biological control to the natural waters of the Klamath Basin

noted for their noxious bloom. Among questions to be answered are:

1. In the observable process is Daphnia the prime predator or an essential secondary element of a much more complex food-chain in which the prime predator may be bacterial?

2. If Daphnia are primary predators, then what species or strains are most effective?

3. Has the presence of detergents in the oxidation pond played any part in the establishment of the observable cycle, i.e., as a factor of natural selection developing special strains of Daphnia essential to the cycle? In fact, what influence do detergents have on the zooplankton population?

4. To study the order of succession in the phytoplankton population created by the gradual enrichment of the waters by nitrogen and phosphorus; as well as factors of sunlight, temperature and drought.

RESEARCH PLAN

The specific aim of this proposed study is to determine the environmental factors that stimulate a tremendous multiplication of the Daphnia population in certain sewage lagoons of northern California and southern Oregon with the resultant observable control of algal bloom in these oxidation ponds. And, to see if it may be possible to induce similar Daphnia population explosions in natural waters of ponds and lakes noted for their production of noxious blooms.

If such a program is possible we would possess a biological tool to control noxious bloom by natural means rather than resort to the use of industrial poisons, such as treating with Shell "Aquilin," as in that company's present proposed program to rid the waters of Upper Klamath Lake of noxious bloom, a program that has received strong local support even though it is opposed by wildlife interests.

The natural algae-Daphnia cycle controlling algal bloom in our local oxidation ponds appears to be a unique development in that the Daphnia produce tremendous rhythmic population explosions, which, apparently by mere mass of number, consume the algae of the oxidation pond much as a plague of locusts sweeps bare the vegetation of an African landscape. This rhythm of population growth may occur in intervals as short as 8 days in the oxidation pond, however, climatic factors do influence the development speed of the cycle. This cycle of algae-Daphnia growth is somewhat faster than that recorded by Slobekin, 1954, which emphasizes the fact that we are dealing with different ecological conditions.

In our oxidation ponds there appear to be no natural agent present to hold the Daphnia growth under control other than the available algal food supply, thus the rhythm of first the growth of algae, followed by the swarming Daphnia which consumes it and die, then the algae again increases—thus the cycle is established.

At the South Suburban sewage lagoons of Klamath Falls the algae-Daphnia cycle is well established in control of algal bloom, yet a quarter of a mile away is the water of the Klamath River loaded down with algae. At this point the question becomes obvious, why does the process function in the lagoon but not in the adjacent natural water? Basically there is not much difference between the nutrient solution of the oxidation pond and the extra rich natural water of the Klamath Basin which is noted for its production of noxious bloom, nevertheless the Daphnia population of the natural water apparently has not been noted for population explosions as in the case of the oxidation pond.

This poses for us two lines of investigation: First, the problem of succession in the phytoplankton population. The natural waters of the Klamath Basin, though rich in nutrients, are not as rich as the oxidation

pond and while the natural waters support a tremendous growth of blue-green algae the higher ratios of nitrogen and phosphorus in the oxidation pond present problems largely concerned with green algae species. This problem of succession due to enrichment offers us the field of study to determine if it is the nutrient ratio that controls the algal-Daphnia cycle. The second problem imposed is the speculation regarding the presence of detergents in the oxidation pond which makes that solution essentially different from the natural water. This raises the question: has the presence of detergents in the oxidation pond served as an agent that has assisted in some fashion the establishment of this cycle, by either placing pressures upon the processes of natural selection and developing a special strain of swarming Daphnia, or, assisting in some other fashion? As a consequence of this question this program would aim to study the influence of detergent concentrations upon the native zooplankton population.

While we have the unusual continuous predation by Daphnia on the algae of the oxidation ponds this has not been true of the natural waters. Studies of pollution and algae made on the Klamath River and Upper Klamath Lake in a continuous series from July 1952 to July 1959 found no evidence of any kind of biological control of the noxious bloom. This also has been our experience in a more general association with the problems of the use of natural Klamath River water for steam production during the past 30 years. It therefore was most startling for us to observe natural biological control over the algal bloom on Upper Klamath Lake to take place in 1959 and again in 1960.

Our interest in the potential possibility of establishing biological control over the noxious bloom in the Klamath Basin waters was directed to the algae-Daphnia cycle by Mr. Wendell H. Candland, regional engineer for the North Coast Regional Water Pollution Control Board of California, in June of 1959, and we established a station on Upper Klamath Lake, in an area of good growth of the blue-green Aphanizomenon with the intention of introducing Daphnia in the swarming state from the local oxidation pond. On July 1, the density of Aphanizomenon was about 10 million per liter; on the 14th of July we were startled to note that there was not a single visible trace of strands of Aphanizomenon; furthermore, there was no further return of the blue-green algae for the remaining part of 1959. This phenomenon was not merely confined to the observing station but equally influenced thousands of acres of the best growing Aphanizomenon waters. While we did not observe a Daphnia explosion in population our observation of the oxidation pond would lead us to believe that Daphnia would be the most likely agent to produce this effect, though we cannot discount the possibility of other factors. The example, however, clearly demonstrated that biological control was possible. In 1960 the process repeated itself just as in 1959.

There appears to be some degree of controversy inherent in these observations based largely on the question of whether or not the Aphanizomenon was actually consumed by Daphnia. Authorities such as Lefevre, 1950, and Edmondson, 1957, have developed the thesis that it is impossible for Daphnia to consume this algae. However, Watanabe, Ito, and Sasa, 1955, were faced with destruction of their blue-green algal cultures by Daphnia. The Japanese experience appears to be a direct parallel to what we observe taking place in our oxidation ponds. To settle this controversy it has been suggested that we study the gut content of the Daphnia and correlate the various species in the gut to their abundance

in the pond; however, we are more concerned with what happens, the result of the abnormal population surge of *Daphnia* population. The Japanese do state that they do not believe the *Daphnia* normally graze upon the blue-green algae when population numbers are low; it is only when the population explosion occurs do they lose their culture; they believe that the green algae in their culture gives the *Daphnia* the opportunity for this spring into the explosive stage where their numbers become so great that the waters they occupy resemble a heavy concentration of orange juice in color.

We realize that there are times it is difficult to believe our eyes; in fact, we may not be faced with a simple relationship of *Daphnia* directly consuming the blue-green algae as the primary predator our eyes would lead us to believe. The cycle might be much more complex in a food-chain relationship and it might be that bacteria actually is the prime predator. This then becomes another point for study which must be answered if we are to gain the complete story of ecological relationships.

If 7 years of close study by competent scientific personnel and 30 years of general observation did not note any change in the algal problem on Upper Klamath Lake, then why should a change take place in 1959? Perhaps it might be the result of the introduction of an active swarming group of *Daphnia* from the Santa Rosa, Calif., oxidation pond which was made into Upper Klamath Lake early in 1958. We have no means of knowing, as this was merely a "trial to see what would happen" without any adequate scientific control to check the end result.

If the planting of a new species or strain of *Daphnia* did result in the effective destruction of the noxious bloom, it appears then, to have paid off in some remarkable results in 1960 in improved recreational water and of fishing success. The angler reports of 1960 begin to read like reports near the turn of the century, when, by all historical accounts, Klamath Lake was not burdened by severe noxious bloom. This observation raises the question as to the toxic influences of the blue-green algae on the production of aquatic life which may be outside the scope of this proposed study. Nevertheless this question becomes an important consideration in relation to the *Daphnia* problem since the antibiotics given off when the *Aphanizomenon* have reached a high level might reach such a concentration as to achieve severe auto inhibition, as pointed out by Lefevre, Jakob and Nisbet in 1952, and Ryther in 1954. This antibiotic factor could possibly have played an important role in suppressing the native *Daphnia* yet not inhibiting a cultured strain or species of *Daphnia* that has been developed in the sewage lagoon under the detergent influence if detergents had a part in natural selection of a resistant strain. This factor calls for some study in the ecologic problem.

METHODS OF PROCEDURE

1. The south-suburban sewage lagoons of Klamath Falls will serve as the basic cultural unit for the study of the mechanics of *Daphnia* population growth; here, the *Daphnia* swarm at regular intervals throughout the year. By systematic sampling, algae-*Daphnia* populations will be checked; a running analysis on the nutrient solution will be kept with interest centering on pH, oxygen, phosphorous, nitrogen, and detergent concentration; climatic factors of sunlight and temperature will be metered. The study will seek to correlate these known factors with the algae-*Daphnia* cycle. Because of the short cycle involved in the study of the oxidation pond, samples will be checked each 24 hours. In most cases the Clarke-Bumpus plankton sampler will be utilized.

A great deal of interest has been expressed concerning the enrichment of the Klamath Basin natural waters by nitrogen and phosphorous. Work by Phinney, 1955-59, upon this subject was not conclusive, possibly because of the difficulty in correlating the level of dissolved N. and P. with algal populations; however, we hope that the measurement of total P. (including that contained in the algae) correlated with measurements of dissolved P. will yield more conclusive data.

By necessity we are involved in two parallel studies, dealing with the chemical and biological cycles of the oxidation pond and their counterpart in the adjacent natural waters; one can hardly logically proceed without the other because of the climatic factor which at any one collecting period is essentially the same for both.

Taxonomic studies dealing with species of zooplankton and phytoplankton and their population density become an essential part of the study; perhaps in this we solve the question of whether the *Daphnia* are the prime predator or an essential factor in a more complex food-chain system.

2. The study will seek to correlate the data of the Klamath lagoons with that of the California lagoons which possess the same algae-*Daphnia* cycle.

Special attention will be devoted to the grazing problem of *Daphnia* upon the algal forms present. The proposed method is to use two 1-gallon jugs in the water under study, suspended in situ. One jug to contain raw water as sampled, the other will be the same but from which the *Daphnia* have been filtered. Initial algal density counts will be checked against the end of the 24-hour experiment. The *Daphnia* population will likewise be checked.

Plans also call for the measurement of rates of production of the algae through the use of the oxygen light and dark bottle method.

3. Checks will be made on natural-water plankton populations to determine their resistance to the presence of detergent concentrations; this should answer the question of whether our lagoons are developing special resistant strains.

These checks will be done in the laboratory upon native species from pond waters that have had no contamination from detergents, or, are bothered by heavy blue-green algal growth. It may be that these same native species introduced into water samples taken from heavy growths of *Aphanizomenon* will give us some information in regards the antibiotic effect; as we know of no way of analyzing for these antibiotics except possibly by bioassays—in a field into which we are not equipped to follow.

4. Ten test plots of one-thousandth-acre areas will be set up in natural waters known for their high production of bloom. These plots, 8 feet in diameter, will be located in water of varying depths; they will consist of a polyethylene tube of 20 gauge sheeting standing upright in the water, secured to the bottom by a sheet metal ring pressed into the bottom mud. The top will be supported by a floating ring. Life goes on within the plot isolated from the main body of water and not influenced by drift. Check samples will be taken within the plot and outside the protected area for comparison. Such plots make possible the ability to check normal growth; and through fertilization the problem of succession; influence of detergents; and other essential study data under normal climatic conditions. Other such plots will be added as needed as we prefer to pursue as much of the study under natural conditions rather than the artificial life of the laboratory.

5. On the hypothesis that the native *Daphnia* population is held in balance in the natural waters by antibiotic effects or

other natural controls, tests will be run to seek ways of upsetting this natural balance by introducing *Daphnia* in a swarming state into lagoons where algal bloom is heavy. We have talked with the Fish and Wildlife Service in regard to the lagoons on the Klamath-Tule National Wildlife Refuges. *Daphnia* swarms to come from the local oxidation ponds.

6. If simple introductions of swarming *Daphnia* are not sufficient to upset the natural balance, checks will be made to see if some pretreatment of spot areas by detergent may make the introduction effective.

Significance of the work is the fact that we believe noxious algal bloom can be brought under control by biological methods rather than by expensive treatment with commercial algicides. These chemical methods are far too expensive to cope with the Klamath problem which affects more than 200,000 acres of water. The heavy load of algae in the waters of the Klamath reach from the mountains to the sea and have created serious hazards to aquatic life, resulting in dramatic fish kills. There is some concern that livestock drinking the water may develop physical and physiological manifestations that might be misinterpreted as nutritional deficiencies or some similar ailment. Botulism which annually attacks ducks in this area is largely attributed to effects created by algal bloom. The biology and chemistry of the Klamath River is very definitely affected by the load of algae it must carry and the total length of the river from the Klamath Basin to the ocean carries quite a uniform population. Fear is being expressed that the building of additional impoundments will greatly increase the organic load and put an end to fish life in this stream. The most immediate complaint is largely esthetic from appearance and odor.

FACILITIES AVAILABLE

1. The surface oxidation ponds at Klamath Falls, Oreg.; and, ponds at Blue Lake, Arcata, Santa Rosa, and Sebastopol in California.

2. Upper Klamath Lake, Klamath River, and Klamath-Tule National Wildlife Refuge ponds.

3. The laboratory of the Klamath Highlands Research Center in Klamath Falls.

4. Facilities of Southern Oregon College, Ashland, Oreg.

Previous work done on this project has been largely at the instigation of Mr. William G. Shackleton, executive officer, and Mr. Wendell H. Candland, engineer, of the water pollution control board, north coastal region, of California, who will act as consultants on this project. John N. Wilson, biologist, Water Supply and Water Pollution Control, Pacific Northwest Department of Health, Education, and Welfare, will also act as a consultant. Much of the early work of these investigators concerns the pollution problems created by algae in the waters of the Klamath River. Practically no research has been devoted to the study as outline, other than personal observations and transplants of *Daphnia* by Mr. Candland. The principal investigator of this proposed study came into the picture in 1959 and started preliminary observations which led to the discovery of the algal kill on Klamath Lake in 1959 and 1960. His previous experience with the waters of the lake was confined to its chemical composition and the use of its waters for the production of steam. The high organic content coupled with lime and silica content made for a very difficult treatment problem before it served industrial use.

Mr. AUCHINCLOSS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I had the privilege of serving on the Committee

on Public Works in 1956 when the first major bill in this field was passed, which became Public Law 660. It was my privilege to support and to vote for that bill at that time. It was also my privilege to vote for the bill which was passed by this body last year which eventually ran into a Presidential veto. I have also voted for this bill as it came out of committee this year.

The problem of pollution in the streams today is a most serious one and a number of factors are causing it to become particularly critical. In the first place, the growth of the population of our country without any material increase in the total water supply has increased the ratio of pollution to the same amount of water that is available in this country.

In the second place, the further development of our skills in the field of industry has caused additional types of chemicals and materials of that kind, to be produced in plants, with related discharges going into our streams, some of which we do not know how to control.

Thirdly, as we get into the atomic energy field, we are also beginning to create atomic wastes and we are not sure how to control those wastes when some of them get into our water supply.

All of these problems are going to present a serious challenge to us in the years ahead. For this reason the section in the bill providing for the establishment of research facilities in different parts of the country I think is going to be particularly important to us. Also the increase in grants from \$3 million to \$5 million a year to the States to help them set up control programs I think is going to be particularly important.

The fact that I voted for this bill in committee does not necessarily indicate that I think this bill is ideal. I think there could be improvements in it. One of the fields in which I think we could make improvements is to bring the States into this program. We have brought the States into a number of other programs where it has worked extremely well, for instance the ABC highway program, for primary and secondary roads, where we have a 50-percent Federal and a 50-percent State contribution, and that program has worked extremely well.

It seems to me we should ask the States to join us in conducting this crusade to clean up the Nation's streams. We are putting up 30 percent in grants for plants to meet pollution in the communities, but we are not asking the States to do anything. I think we could do better by telling the States they should recognize that they have an interest in this problem and should be sufficiently interested in the program to join with us in providing matching funds for carrying out the program.

I supported in committee and intend to support on the floor today an amendment that the States should come into this picture from a matching standpoint and that the States should match any Federal grants above the present \$50 million per year program of Federal grants. I think that is fair, I think that is reasonable. We should ask the States to give recognition to their in-

terest in this problem by joining with us in making a contribution to cleaning up our Nation's streams.

Mr. BLATNIK. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I take the floor for the purpose of expressing my deep appreciation of the efforts of the gentleman from Minnesota in his program and campaign to clear up our streams and the bodies of inland waters from the pollution from which they presently suffer.

I had occasion to address the Petroleum Association of West Virginia some years ago. In inviting me they failed to tell me what topic they wanted me to discuss. I wired them, and they wired back, "Use your own judgment." I spoke on the subject of "Water, Black Gold of the Future." They often refer to oil as black gold. It was quite an eyeopener to those folks because they had been interested only in petroleum and natural gas. I told them about this subject, of pollution control that is more necessary today than ever.

Let me tell you something about West Virginia and why I am particularly interested. We have completed four huge reservoirs and are constructing a fifth. The waters of those reservoirs are contaminated by millions of gallons of sulfuric acid pouring out of the open mines in the State and polluting not only the rivers but killing all the aquatic life in those rivers. They have polluted four huge reservoirs. This pollution prevents the State of West Virginia from making use of its potentialities, because you cannot clear up those streams and reservoirs and, particularly, stock them with fish without removing the pollution. We are looking forward in West Virginia to making use of those potentialities by attracting tourists. It will help the situation considerably in the State of West Virginia. The only way we can do it is to seal between 5,000 and 6,000 open coal mines that are pouring sulfuric acid into our streams, because we let oxygen get into the mines and change iron pyrites into sulfuric acid.

So I can pledge the gentleman from Minnesota [Mr. BLATNIK] and others supporting this legislation that I will be greatly disappointed if there is not a unanimous vote from the West Virginia delegation for this bill, regardless of their politics.

Mr. AUCHINCLOSS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in support of the committee's bill, H.R. 6441, because it represents a forward step in solving one of the most critical problems of our times.

Our wonderful country today, with all its amazing techniques and technologies for modern living, with all its attention to high-speed engines, to data-sorting machines, to beautiful buildings, to jet planes, has not yet found a way to properly maintain or approximate the natural conditions of its rivers and streams. The result is that people in many parts of our country are drinking water which has been befouled by organic and plant wastes many times over. Only by in-

tensified treatment is this water made potable.

To reduce the amount of Federal participation in water pollution control might be likened to constructing a beautiful patio around an old-fashioned out-house. Some who oppose this bill base their opinion in part on the need for matching funds from the States. There is of course much to be said for this viewpoint, but the fact remains that polluted water constitutes a national problem—a grave national problem which I believe the Federal Government must face up to. It does face up to it in the provisions of H.R. 6441.

The waters of the Mississippi River at New Orleans contain the polluting ingredients of some 30 rivers that flow directly or indirectly into the Father of Waters. Every town and city on those rivers that lacks an adequate pollution treatment plant is an offender and a jeopardizer of the public health. The same is true of rivers in certain other areas.

Teeth are needed in the law, and the bill, H.R. 6441, has such teeth in it to require cities and towns to carry out their responsibilities to other communities.

Criticism has been leveled at this bill by those opposed to it, because it would increase the amount of Federal aid for disposal plant construction. The aid, to my way of thinking, would be a boon, rather than a deterrent. The grant of 30 percent or a maximum of \$250,000, whichever constitutes the lesser figure, is provided for under the present law. This is inadequate to the necessities of the times. The legislation under discussion would raise this figure to a maximum of \$800,000.

The proposed formula provides that a Federal grant would amount to 30 percent of the first million dollars of the cost of a project, plus 15 percent of the next \$2 million, plus 10 percent of the remainder, with \$800,000 being the limit. This is a realistic approach.

Not long ago a plant near my constituency was constructed at a cost of \$9 million. The maximum Federal commitment of \$250,000 under the present law could hardly be called a strong incentive, but under the new bill which permits a higher maximum Federal contribution the incentive would be substantial.

Admittedly most of the water pollution control plants are in the smaller category insofar as costs are concerned, but I think it can be conceded that the old formula did not do justice to the larger cities and communities, where the cost of a plant ran into millions of dollars. As a matter of fact, it was developed during the hearings this year that the need for construction of treatment plants by municipalities, exceeding 50,000 population, amounts to about 30 percent of total U.S. needs, yet these cities have received less than 15 percent of the Federal grant funds under existing legislation.

It is comparatively easy to dream up formulas for State-matching funds. For example, there is suggested an arrangement which provides that, if the

States are required to match that portion of annual appropriation in excess of \$50 million per year, the authorization in H.R. 6441 can be reduced from \$100 million to \$75 million per year while still making \$100 million available annually by a combination of Federal and State aid for the construction of local pollution control plants.

The problem is that the States would be slow or even reluctant to participate in such a plan. To date only a few States offer any incentive of a financial nature to communities constructing pollution control plants—some four in all.

Obviously the ideal situation would be one in which States participate with matching funds, but there is little evidence of a willingness or inclination on the part of the States to cooperate along these lines. If they agreed to such a plan, it would take action by the State legislatures to validate it—a time-consuming process—and the whole enterprise would not be implemented until 1965.

The gentleman from New York feels that Federal money earmarked for water pollution control plants is money well spent. It assures cleaner streams and rivers and healthier drinking water.

Under the proposed bill, enforcement would be strengthened by extending Federal enforcement jurisdiction to all waters and to any pollution which endangers the health or welfare of any person. The bill would make an order of the Secretary of Health, Education, and Welfare relative to abatement of pollution a final order, unless an appeal were taken to the U.S. circuit court of appeals, in which event the court review is limited to the record of the proceedings below, and the findings of the Secretary if supported by substantial evidence are conclusive.

Lastly, it would provide for the enforcement of the Secretary's order by the U.S. district courts in a civil action brought by the Attorney General of the United States at the request of the Secretary, without any requirement as in existing law for the consent or request of an interested State.

Under existing law, Federal enforcement to secure an abatement of pollution is applicable only to pollution of interstate waters which endanger the health or welfare of persons in a State other than that in which the discharge originates. Hence, both the waters involved and the pollution itself must be interstate in character as a prerequisite to Federal enforcement jurisdiction. It is interesting to note that of the estimated 26,000 water bodies in the United States only about 4,000 are of an interstate nature.

H.R. 6441 eliminates both of the above-mentioned requirements for Federal enforcement jurisdiction. No longer would Federal jurisdiction be limited to interstate pollution. By substituting the word "navigable" for "interstate" waters, Federal enforcement jurisdiction encompasses a wider area than formerly.

Under H.R. 6441 the Federal Government may enforce the abatement of pollution in either interstate or intra-

state waters which are or can be made navigable, whether such waters flow across or form a part of State boundaries, or are confined within the boundaries of a single State.

In other words, for all practical purposes the new enforcement provisions would apply to all waters in every State. This I think is entirely equitable.

It is claimed that the Federal Government is taking over the States responsibilities in abatement of pollution by substituting Federal enforcement for State enforcement in intrastate waters. This is a measure born of necessity because the States have been lax in their enforcement of water pollution abatement.

While the Federal Government has broadened its enforcement area, the States nevertheless have concurrent enforcement jurisdiction in intrastate pollution. I do not believe the States are going to shift their enforcement responsibilities to the Federal Government as has been claimed by some. Pollution abatement enforcement is a job requiring both State and Federal cooperation.

This measure merits wide support.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may desire to the gentleman from Kentucky [Mr. BURKE].

(Mr. BURKE of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. BURKE of Kentucky. Mr. Chairman, during the hearings on H.R. 6441 testimony was received by the Public Works Committee from the Conference of State Sanitary Engineers reporting a recent survey of municipal waste treatment needs.

This is the most complete report on needs that has come to my attention. The information I will give you today was provided by the State Sanitary Engineers themselves and not by the Federal Government.

These figures represent State estimates of their own needs existing at the beginning of the present year. They do not take into account new needs continuously arising from obsolescence and increasing population.

Forty-eight States, the District of Columbia, Puerto Rico, and the Virgin Islands responded to the Conference of State Sanitary Engineers in this survey.

They reported 5,127 communities requiring new sewage treatment plants, plant enlargements, or major additions, to serve a present population of 42 million people. Of this number, 4,136 cities and towns require new plants to prevent the discharge of raw sewage from a population of some 23 million.

A substantial majority of needed new plants are for smaller communities of less than 10,000 population. However, the cost of providing new facilities for larger cities is approximately the same. Most States reported a large backlog of treatment needs for communities still discharging untreated or inadequately treated sewage. New plant construction needs account for nearly 70 percent of the total backlog cost.

The estimated cost of all municipal waste treatment needs is \$2 billion.

Calculations by the Public Health Service indicate that the removal of this backlog of needs in 10 years, together with providing for population growth and obsolescence of existing works, will require an average annual expenditure of \$600 million.

We have experienced a great deal of progress under the existing Water Pollution Control Act with the present \$50 million a year for construction grants-in-aid. There is every reason to believe that we can reach the required \$600 million per year expenditure required for effective control of pollution from municipal wastes with an increase in Federal grants to \$100 million annually. Even at this rate, it would take a full decade to get the job done. Without the proposed increase in grants the task is insurmountable. With it, we can master the municipal water pollution problem and rid the Nation of this monstrous blight.

I hope the bill will pass by a large majority.

Mr. BLATNIK. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I want to commend the distinguished Public Works Committee for bringing forth a bill which when enacted will prove to be a great milestone in law for the protection of the American people. This bill has two features which are going to do a great deal to preserve the health of the people. The first of these is an increase in the grant program to \$100 million, double what it was under Public Law 660 for the construction of sewage abatement works; and second the section which increases the ability of the Federal Government in cooperation with the States to abate pollution of the waters of this great Nation of ours.

Mr. Chairman, I think there are some things that need clarifying today. My very distinguished friend from Florida [Mr. CRAMER], is either confused or has been seeking to confuse the House. I choose to take the more charitable interpretation of what my very good friend has been saying today, to believe that he is confused. I speak today, Mr. Chairman, as one of the authors of this bill, and as one of the authors of a series of predecessor bills which were presented to this House during the previous session.

The language of both the legislation before us today dealing with pollution of navigable waters and the language of the report make it amply clear and abundantly plain that we do not seek to usurp the functions of the States, or to take away their prerogatives to abate pollution within their borders or to in any way impair State water pollution control activities. Indeed, the language of the bill on page 8, line 17, is as clear as crystal to anyone who would read the declaration of policy:

Consistent with the policy declaration of this Act, State and interstate action to abate pollution of navigable waters shall be encouraged and shall not be displaced by Federal enforcement except as otherwise provided—

And so on. The language goes further on page 8, line 24, and states:

Whenever requested by the Governor of any State, a State water pollution control agency or with the concurrence of the State water pollution control agency for the State in which the municipality is situated, the governing body of any municipality, the Secretary shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons in a State—

And so on.

This language is clear as to intent. It shows very clearly that we do not wish nor intend to usurp the function of water pollution control nor to exclude the States from their legitimate and proper activities in this field. We intend, rather, and I say to my good friend who has displayed a very considerable degree of erudition on this subject, we seek only to offer to the States, to the municipalities, and to the Governors of these States, an additional weapon in dealing with the hard core polluters, both municipal and industrial, that have been soiling and defiling the waters of this country to a point where it has become intolerable. We do not weaken the States or their pollution programs, we give incentive and a tremendous weapon. We make available trained staffs, of the finest sort to help the States, and Federal financing to assist them in their war on polluters and conduct of pollution abatement procedures. Pollution is not, as somebody stated here today, an isolated thing, nor is it a uniquely local plight. The pollution of the waters from which the people of St. Louis or New Orleans may drink originate as far north as Chicago, it may originate in Pittsburgh, or it may originate as far up as the headwaters of the Missouri River. These substances are of equal toxicity when they are put in 1,000 yards up stream and when they are put in 1,000 rules upriver. These substances which are inserted into the waters of our land today are not the substances which we know or understand or, indeed, of which we have any understanding of proper and adequate treatment, for removal of these substances. Rather, these substances are not only often in their own right toxic but even they may permit the waters to harbor other toxic matters to the point where they cannot be purified so that they may serve as useful, decent water for our people to drink.

I pay tribute to the committee for the compromise amendment eliminating controversy by placing the water pollution control activities under the Secretary of HEW. This is recognition of failure by the leadership of the Public Health Service to sufficiently, vigorously prosecute the program. I am hopeful that the vigorous and active people who have been so liberated from the dead hand of bureaucracy will not later be again buried within the Public Health Service or a bureau of environmental health.

The original bill made the water pollution control agency an independent and autonomous agency directly under the Secretary. The original provision I

would favor over that in the committee amendment. But regard the compromise as a vast step forward in giving the devoted public servants who have so long worked to make this program vigorous and aggressive in spite of the desire of the Public Health Service high command to not walk on toes and to conduct a polite and genteel program of research, lecture, and study. This liberation, if respected, offers vast promise for the future. I hope that the Secretary, and the administration will respect it.

Mr. AUCHINCLOSS. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. ROBISON].

(Mr. ROBISON asked and was given permission to revise and extend his remarks.)

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, I would like to point out to the gentleman from Michigan that he failed to read the balance of the last sentence on page 8, which is the exception—

except as otherwise provided by or pursuant to a final order issued in accordance with subsection (e) of this section or a court order under subsection (g) of this section.

The action or policy against infringing on the State or interstate water pollution agency is not involved in this area involved in the exceptions.

Those are the exceptions, and they are broad.

I will also point out the gentleman was not specific in regard to the areas he felt were not clarified in my remarks.

Mr. ROBISON. Mr. Chairman, there should be little question over the fact that the need to prevent and control water pollution should stand high on our list of national priorities. As our society grows and becomes ever more complex, the threads of water quality and water quantity will become inextricably interwoven. Already, as our water needs spiral upward, the repeated reuse of water is becoming the rule rather than the exception—more and more people and machines demanding more and more water and, in a vicious cycle, at the same time producing more and more pollution to degrade those same waters.

Thus America faces another problem of urgent national concern, calling for clear concepts and principles and for action that cannot be postponed. This is not a problem for the next generation to worry about. Our need is not tomorrow—it is today.

Congressional awareness of that need, however, demands more than hasty, expedient action. Implicit in that awareness on our part is also a challenge to attempt to strike and to maintain certain balances—balances in the apportionment of responsibility, the distribution of costs and the application of enforcement regulations. Obviously, the most difficult balance for us to strike, in the multilayered, interwoven economic and administrative world of today, will be in the area of responsibilities.

Both for reasons of tradition and practicality, the fundamental responsibility for pollution abatement and con-

trol should, in my judgment, remain at the source—with the local municipalities and industries concerned—and, in my further judgment, in the long run our success in solving this problem will be directly proportional to the acceptance of responsibility for the application of abatement measures by those whose very existence creates not only the demand for clean water but the pollution problem itself.

I think it is equally clear that the several States ought to be the keystones in our national pollution-abatement effort. Historically, legislatively, and logically, our ability to stimulate a stronger interest and participation in this problem at the State level has been and, in my judgment, will continue to be a major determinant of our long-range success.

Finally then, rounding out what one might call a trinity of responsibility, comes the unmistakable Federal concern, derived from the interstate nature and national scope of this complex problem. I believe, Mr. Chairman, that there is here a virtually unbounded opportunity for Federal leadership in the Nation's interest—for leadership in research and investigation, for leadership in contributing to a more enlightened awareness concerning this problem on the part of both public and professional interests, and for leadership in stimulating and strengthening action at both the State and local levels.

There are many facets involved in our consideration of H.R. 6441 to which I might address myself, but I would like to focus your attention on what I consider to be the need to develop a better balance of that three-way responsibility I have been talking about. Now I know that there are those here who will argue that if we get into this subject we will be running the risk of becoming bogged down in a provincial squabble that might threaten the passage of this bill or the future of this program—that if we decide to endeavor to encourage greater State participation, no matter how desirable that might be, we might end up in only delaying the “steady progress” (as the majority refers to it), that is being made by virtue of the grant-in-aid feature of the 1956 act. I must admit that there may be such a danger, but I submit that it is necessary to run the risk thereof because, while the task we face may prove to be too big for any one or any combination of two of the three necessary partners, it is not too big for all three if we can get them working together in tandem with the support of an enlightened industrial community.

Perhaps a brief historical review might help at this point. Strong national impetus to tackle this one of our many problems was provided by the Federal Water Pollution Control Act of 1948—an act that delineated the principle of Federal-State cooperation and, for the first time, provided for a Federal role in the fields of research and technical assistance, for limited Federal authority over interstate waters and a small amount of Federal financial assistance as well. This authority was further extended and expanded upon in 1956 when Congress

added the principle of Federal grants-in-aid to provide our smaller local municipalities with both the incentive and some of the dollars needed in order that they might break out of the straitjacket of inaction that had been imposed upon them by a lack of adequate financial resources and the notion, held to by most of their hard-pressed taxpaying residents, that the economic and social benefits of pollution abatement were far more real for their downstream neighbors than for themselves.

There are still those who will question the initial wisdom and propriety of that Federal grants-in-aid program. Some of them even argue that this program has hindered rather than helped us toward our goal of cleaner waters. Be that as it may, it seems to me that we have long since turned the corner of "no return," and that we could only abandon the existing Federal participation in this program with the certain knowledge that we would be impeding further progress. If you should happen to agree with me, then the only remaining question is, Where do we go from here?

In searching for the proper answer, we must first pause to see what we have accomplished. On paper, the "carrot on a stick" approach represented by the grants-in-aid program would seem to have generated close to \$5 in local expenditures for abatement purposes for every \$1 of Federal money similarly invested. Over 2,500 local sewage-treatment projects have been approved for Federal participation since 1956. Of these, as of the time of the recent National Conference on Water Pollution, 1,246 are completed, 717 were under construction and the rest were awaiting construction. Those most friendly to the grants-in-aid program claim that it has stimulated a 62-percent increase in treatment-plant construction since the passage of the 1956 act. Be that as it may, it is also estimated that the Nation's construction backlog, excluding such new needs as will accompany population growth, amounts to some \$600 million a year for the next 10 years, a total of \$6 billion. I think that estimate fairly accurately shows the magnitude of our problem, and the point I would like to now make as clearly as I can is that the burden of that problem, even if H.R. 6441 is passed in its present form, will continue to fall the heaviest on the one partner—the local municipality—in that trinity of responsibility which is probably the least able to afford it.

This is so—and will surely continue to be so if H.R. 6441 is passed in its present form, because the Federal Government's entry into this field with Federal tax dollars has, almost without exception, been chiefly cause for sighs of relief from our respective State legislatures. Only three States—Maine, Vermont, and Maryland—since 1956 have been stimulated sufficiently by the Federal program to shoulder any major part of the disproportionate burden assigned to the local municipality. New Hampshire, to its credit, has recently become an added starter along with those original three States in recognition of the principle that this is a three-way partnership

problem, and I also understand that Georgia may soon join their ranks. I wish I might also say to you that my own State of New York was preparing to assume its share of responsibility here, but unfortunately I cannot.

In any event, I would choose to consider that the five progressive-minded States I have mentioned represent solid evidence of the point stressed in the minority report that it is not so much a question of whether or not the various States can afford to join hands with Uncle Sam in tackling this problem, as it is that most of them have not so far assigned to this problem the high priority that it deserves.

I recognize that it is considerably easier for those municipal associations and civic organizations who are most seriously concerned with water pollution to obtain additional Federal moneys in order to speed up our attack on that backlog of needs than it is for them to be required to approach 45 reluctant State legislatures. Thus, it is not surprising that H.R. 6441 was so vigorously supported before our committee by State water pollution control administrators, sanitary engineers and civic organizations ranging all the way from the League of Women Voters to the Izaak Walton League. I also recognize that we here sometimes get States rights mixed up with States' responsibilities, however I, for one, happen to think that the continuing emphasis on the bankruptcy of local government is not quite consistent with the continuing expenditure by our people of billions of dollars annually on the auto, the cosmetic and the other excitements of daily living so characteristic of our way of life.

So what do we do here, today? Do we pay no attention to the fact that there is an absence of realistic data establishing the inability of the various States to accept their rightful responsibilities? Do we ignore the testimony of almost every witness that came before our committee, including Secretary Ribicoff, himself, admitting that it would be a most beneficial thing if we could somehow get the remaining 45 States into the picture? Do we once again take the escapist view that local responsibility is bankrupt and local resources are exhausted, forgetting that it is those same resources and only those that nourish the coffers of the National Government? Do we want our States to become mere conduits for the receipt and allocation of Federal moneys, or do we want them to be strong and active partners in all the various areas of shared responsibility?

Many members on the minority side of our committee would like to support this program. We worked hard to come up with suggestions that would not weaken or negate the purposes of this program nor impede the progress that is being made. The gentleman from Florida [Mr. CRAMER] will offer an amendment or amendments, which I urge you to support, that will go along with a substantial increase in Federal participation in the construction program as it now exists—from an authorization of \$50 million a year to \$75 mil-

lion a year, thus bringing H.R. 6441 in line with its companion measure in the other body. For 3 years those additional Federal dollars, if appropriated, could be used to attack the construction backlog now existing. During that 3-year period it is hoped that those States which need to do so will enact enabling legislation that will eventually authorize their participation in this partnership endeavor in the same way that five of their sister States are already doing or preparing to do. Then, beginning with the appropriations for fiscal year 1965, the Cramer amendments will require State matching funds, dollar for dollar, for any Federal funds appropriated in excess of the existing annual \$50 million authorization.

These amendments will preserve the existing program as a base upon which to build. I think we could well consider that that base program represents a fulfillment of the basic Federal share of responsibility in this field. Then, after that 3-year waiting period, Federal funds offered over and above that base program will serve as a "carrot on a stick" to stimulate State participation in the same way that the base or existing program now serves as a "carrot on a stick" to stimulate local action.

This, in my judgment, represents a responsible and a progressive approach to the needs of our Nation. It will equalize the burden shared by the three responsible partners. It will stimulate construction. It will tear away the last vestiges of local public apathy. It will strengthen the program. It will help us get the job done. I hope those Cramer amendments will carry.

Before closing, I would like to commend the committee for adopting the new provisions contained in H.R. 6441 which will encourage joint construction projects for several communities banded together. The minority sponsored a ceiling on this feature of the bill so that a metropolitan complex could not absorb the lion's share of any State's allocated portion of Federal funds thus continuing the program's emphasis on aid-to the smaller community. This feature is a decided improvement, and will be of immediate benefit in my congressional district where a number of such joint projects are presently under consideration.

Finally, I would like to urge that, in view of industry's important role in the attack on water pollution, other committees of Congress should give their early consideration to various measures that have been and may be proposed to give industry a better incentive—perhaps through faster tax writeoffs for treatment-plant construction—than it now has to accept its responsibility, in full. In the long run, our ability to provide such an incentive may be as important to our eventual success as what we seek to do here, today.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may require to the gentleman from Kentucky [Mr. STUBBLEFIELD].

(Mr. STUBBLEFIELD asked and was given permission to revise and extend his remarks.)

Mr. STUBBLEFIELD. Mr. Chairman, I wish to record my strong and enthusiastic support of H.R. 6441. This bill, expanding the highly successful Federal water pollution control program and providing for additional research in the field of water pollution control, is of great value to the Nation. The need to maintain the purity of one of this Nation's greatest resources—water—can hardly be overestimated.

The district I have the honor to represent is bordered by the Ohio and the Mississippi Rivers, and bisected by the Tennessee, the Cumberland, the Clarks, the Little, and the Pond Rivers. The purity of the waters of these rivers and more particularly Kentucky Lake and of the Barkley Lake which will be impounded in 1964 is our minimum duty as citizens. Desecration of these waters with untreated or inadequately treated sewage and industrial wastes would reflect great discredit on our democratic concept that free men can govern themselves and can work together for their mutual best interests.

I salute the great Public Works Committee for bringing forth this bill, and more particularly the Subcommittee on Rivers and Harbors, ably chaired by our colleague, the gentleman from Minnesota, JOHN BLATNIK.

(Mr. HARDING (at the request of Mr. BLATNIK) was given permission to extend his remarks at this point in the RECORD.)

Mr. HARDING. Mr. Chairman, it gives me great pleasure to speak today in support of H.R. 6441. I concur with the views of the gentleman from Minnesota [Mr. BLATNIK], and our other colleagues who want to improve our Federal Water Pollution Control Act.

I am from the Snake River Valley of Idaho. This is one of the most beautiful rivers in the world. It provides our residents of Idaho and our visitors from other States and throughout the world with a body of water where we can swim, water ski, fish, and hunt waterfowl. It provides vital irrigation water for about 650,000 acres of Idaho cropland. After rendering this service to Idaho, this river flows on through Oregon and Washington, into the Columbia River and then to the Pacific Ocean.

We in Idaho want to give this water to our downstream neighbors in just as pure a state as we have received it—fresh from the beautiful springs and snow runoffs of our mountains.

Today we have in Idaho a fast-growing industrial economy. We have increased urban populations and vegetable processing plants, many of which are still dumping untreated waste into the Snake River. It is a disgrace if we allow it to become a river of disease and a public sewer for every community and processing plant that wishes to dump their waste into the Snake River.

I feel that H.R. 6441 will provide the controls and the incentives to help the people of the Snake River Valley and Idaho, as well as the people throughout America, to maintain pure and beautiful rivers.

While the Water Pollution Control Act as it was earlier enacted has greatly benefited Idaho, contributing \$2,695,340.70 to which the State has matched \$4 for every Federal dollar received, there is still much to be done.

Idaho State Health Department officials estimate that there are 104 communities serving 190,000 people which need sewage plants estimated to cost \$5,906,000. Additional work to put these plants in good operating condition would require \$4,724,000 or a total expenditure for water pollution of \$10,630,000.

Nationally the picture is similar. According to a recent Public Health Service report, 21.5 percent of the 102 million people living in communities served by sewers still discharge their raw sewage into public water. Nearly 2,900 new plants are required for the treatment of this raw sewage. Some 3,000 other communities need replacement or enlargement of facilities to meet the obligations of their downstream neighbors. The Public Health Service further estimates that an additional 6,000 industrial waste treatment projects should be in operation right now.

With greater Federal stimulus, I believe we can solve this problem. I am proud to rise in support of this much-needed legislation.

Mr. BLATNIK. Mr. Chairman, I yield such time as he may require to the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, many years ago a very wise man named Solomon wrote: "Where there is no vision people perish." In 1956 when we began this landmark legislation to control the pollution of the Nation's streams, I believe that the Congress was acting with great vision.

One of the really overpowering truths of our time is the rapid rate at which our population has been expanding. Every evening when we sit down to dinner there are some 7,200 more of us needing to be served here in the United States than there were the evening before. At the same time that our population is growing by such strides, our per capita consumption of water is growing even more swiftly. So that one of the truly great challenges of our time, of this civilization, is to look ahead and make provisions to the end that there shall be sufficient quantities of usable water for the next generation and the generations which will follow it upon this land.

When we first began the water pollution control program of grants to municipalities, the fear was expressed on the part of some minority members that it would not achieve the goal of stimulating local activity. Rather than increasing the work done to clear up the streams by sewage treatment plants, they said these Federal matching grants would slow down the work by discouraging the cities from undertaking activity on their own and encouraging them instead to wait until the Federal Government made grants available to them.

By any yardstick you can apply this has been a monumentally successful

program. Let us look at the record. In the 5 years which immediately preceded the beginning of this program the average total annual amount of money spent on sewage treatment plant construction was some \$222 million. In the 5 years of the program's activity the average annual amount has been 62 percent greater, two-thirds again almost. During this time when the Federal Government has appropriated and made grant offers for a total of \$219,300,000, we have stimulated on the part of local communities the spending of more than \$1 billion in order to qualify for this amount of money.

A total of some 2,671 communities have thus been encouraged, have thus been aided, have thus been given an incentive to tackle this problem. For every Federal dollar expended on this program there have been more than \$4.80 spent to match it at the State and local levels. So, you see, the fear that was expressed in the first place has had no validity whatever.

Those in the minority are saying now that they accept the basic philosophy of the program which first they resisted. They now publicly accept the idea that we should make grants, but they simply do not want us to make grants any higher. They accept the idea that we have done a great thing in stimulating and encouraging on the part of the States and local communities some activity on their own to abate this growing pollution problem, but they do not want to spend any more money than we have been spending.

A few years ago in an effort to oppose the program of grants to cities, they said, "All you need to do is beef up enforcement. We can cure this pollution problem without giving any money to anybody if you just strengthen the enforcement procedures." Now we come to you with a program which not only makes money available to those communities which could not effectively tackle the problem without these grants, but we have strengthened the enforcement procedures. Yet today they have reversed their position entirely. Instead of saying that grants are bad and enforcement is good, they appear today saying that grants are good but enforcement is bad.

Just what do we do in this bill? First, we increase the total authorization to \$100 million a year. Second, we increase the maximum amount that is available to an individual municipality to the end that larger municipalities also may be helped under this bill, they being some of the most extremely important targets we must reach if we are to control the pollution of our streams.

Third, we make it possible for groups of municipalities to joint together in concerted action to build area treatment plants aimed at serving all those municipalities without being limited to the maximum grant figure that would apply to one municipality alone.

In the fourth place, we strengthen the enforcement procedures and it strengthens also the powers that are

available to the States and the State pollution control agencies where they exist by giving them another weapon they may use against willful polluters by allowing these States at their option to call upon the Federal authority.

I call your attention to the fact that in no instance does this bill authorize the Federal authority to enter the field of enforcement except upon the invitation of the States. Where shall we have lost States rights in this?

I direct and invite your attention to the language beginning at the bottom of page 8 of the bill, where it states:

Whenever requested by the Governor of any State, a State water pollution control agency, or (with the concurrence of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall * * *

The Secretary shall give formal notification, enter into a hearing in which the States themselves are parties, and ascertain the extent to which the pollution has occurred and the extent to which it is subject to being abated by Federal order. In no instance can the Federal Government enter into the enforcement procedures except upon the invitation of the State.

The gentlemen seem to be saying that after the Federal Secretary of Health, Education, and Welfare has issued an order to desist from the pollution of a stream, the States ought to have the right to veto the enforcement of that order. This would amount to nullification. I do not think any reasonable or prudent person would say that a State would possess inherent in its jurisdiction or sovereignty the right to veto the enforcement of a valid Federal order. This is not consistent with our long-standing policy of separate powers and divided responsibilities in the large area of concurrent jurisdiction between State and Federal authorities. So, Mr. Chairman, we have done nothing to invade or violate States rights, but rather have given to those States an additional weapon with which they can, if they wish, stop the pollution of the streams that flow through their borders.

Finally, the bill contains a new section providing that prevailing wages shall be paid in contracts under this bill. There is nothing new or revolutionary in this requirement. It is the only thing we can consistently do consonant with long-standing public policy.

There is ample precedent in Federal grant programs for the guarantee of prevailing wages. This same protection is afforded in the Housing Act, the Hospital Act, the Federal Airport Act, the School Construction Act, the Community Facilities Act, the Civil Defense Act, and the Federal Aid Highway Act.

Exactly what does the wage provision say? Does it say that Federal moneys shall be used as a lever to pry up the existing wage levels in an area? Not at all. It simply says that Federal moneys shall not be used to depress the existing wages of an area by setting up an unfair competition for jobs.

Does it oppress a contractor or place him at an unfair disadvantage with his competitors? Not at all. It simply assures him that he can pay the average wages which prevail in the immediate area without himself being placed at a competitive disadvantage by an unscrupulous competitor who might otherwise walk away with the contract by undercutting the wages that others in the industry are paying.

It simply sets up an understandable ground rule for all concerned and removes the matter of wages as a haggling device by which to get the jump on a competitor. What possible objection can there be to such a policy? If we were to oppose the payment of prevailing standard wages, then would this not mean that we favored the payment of substandard wages? Surely the Congress does not wish to take that position.

Those who propose the removal of this guarantee have thrown up the false argument that some communities, if required to pay the standard, average wages of the locality, might lose more than they would gain in the Federal grant. The fallacy of this argument should be evident on its face. The Federal participation in most cases amounts to about 15 or 20 percent of the total project. If any firm should be paying such pitifully low wages that he could thus underbid the cost of an entire job by 20 percent, then, obviously, he is depressing wages, and his gain is ill gotten.

It is and has been the policy of our Government for many years to promote decent wages for the working force of this Nation. It has been the conscious policy of our Government to eradicate substandard wages and thus to elevate the standard of living of our people.

This policy is inherent in the minimum-wage laws. It stems from the realization that labor is not just another inanimate commodity in the marketplace to be bargained for at the lowest possible price in the cold and unfeeling manner in which we might bargain for a secondhand car or a piece of used machinery. Labor is flesh and blood. It is the currency of life, the ultimate product of the human creature, and the measure of the worth we assess as a nation to the individual person.

It is precisely this realization which distinguishes a humane and civilized society from the law of the jungle. It is just this official concern for the welfare of the humblest American which has made this Nation an inspiration to mankind.

So, I think the House will agree with the committee that this is a sound bill providing an overdue expansion of a program which has proven to be one of the most successful avenues of approach we have developed in the Congress toward the solution of one of the growing and truly crucial social and economic problems of our time. I ask you then to join with us in giving it your support to the end that we may move forward and keep pace with the growth of this problem and, perhaps, gain a bit on it so that

the next generation and the generations to follow will not find a ravished land with polluted streams and inadequate supplies of usable water even for their drinking needs, and to the end, Mr. Chairman, that those words of Solomon, "Where there is no vision, the people perish," may not become the epitaph of our civilization.

Mr. AUCHINCLOSS. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Chairman, today we have before the House the Federal Water Pollution Control Act Amendments of 1961. We all want to keep our rivers and streams clean and useful. We all wish to lessen water pollution. It is my belief that we can do more to help in cleaning up water pollution and I intend to vote for this bill. There is vital need to increase our supply of clean usable water. We have today harnessed most of our sources. In the future there will be no new sources to tap, especially around great urban centers such as New York. We must clean up the water we now have and reuse it. This requires more emphasis on preventing pollution.

I support the proposal in this bill to put full responsibility for the conduct of the Federal water pollution control program directly with the Secretary of the Department concerned, Health, Education, and Welfare, instead of with the Surgeon General in the Public Health Service, a subdivision of the Department. This is in conformity with the recommendation of the Hoover Commission and is a sound proposal.

I support the establishment of regional water pollution control laboratories, especially since the locations mentioned in the bill are not intended to exclude any other area where such facilities are needed.

I also strongly support the statement in the bill which reaffirms the primary responsibility and right of the States for preventing and controlling water pollution. However, the bill in fact does not carry out this policy. It extends the area of Federal enforcement from its proper area, interstate waters, to all navigable waters. This in fact gives control of all waterways to the Federal Government in the field of pollution. Thereby Federal power will preempt State in yet another area. Extension of such Federal power raises a serious policy question. I fully support strong Federal enforcement measures. In fact, I believe that strong enforcement through the combined efforts of Federal, State, and local authorities is a greater stimulation to cleaning up our water than any other part of the act. However, I do not believe that the Federal Government is acting properly when it takes over State responsibilities and substitutes Federal enforcement in matters entirely intrastate. The Federal Government should encourage and promote State and local enforcement rather than undermine it by preempting the field.

The other section of the bill with which I am not entirely satisfied is that which increases by 100 percent Federal

grants for waste treatment plant construction. The bill authorizes doubling the present Federal financial assistance from \$50 to \$100 million annually with a total authorization of \$1 billion. No provision is made for the States to share in financing the construction program. An increase in Federal grants without any requirement for State matching will merely discourage State action since the local authorities will wait for Federal action rather than initiate their own. If the urgent need for treatment plants is to be met, it is essential that the States have incentive to participate in providing the facilities. Equally important is the need to curtail Federal expenditures wherever it is possible for the State or local governments to do the job.

Thus, while I am voting for this bill because I feel strongly the need for water pollution control, it is not a satisfactory bill. The interests of the States are bypassed beyond reason or necessity with new Federal encroachments and ill-conceived expenditures. However, it is the only bill that will come before the Congress for several years and so for lack of a better bill I shall support it. We would hope that before too long wiser proposals will be presented to the House.

Mr. AUCHINCLOSS. Mr. Chairman, I have no further requests for time.

Mr. BLATNIK. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 1(a) of the Federal Water Pollution Control Act (33 U.S.C. 466 (a)) is amended to read as follows: "To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the 'Secretary') shall administer this Act."

(b) Section 1(b) of such Act is amended to read as follows:

"(b) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters of such States, including but not limited to the power, authority, and jurisdiction of such States to enforce State water pollution control laws and regulations."

(c) Sections 2, 3, 4, 5, 6, 7, and 8 and the first sentence of section 10(a) of such Act are each amended by striking out "Surgeon General" and "Surgeon General's" wherever they appear therein and inserting in lieu thereof "Secretary" and "Secretary's", respectively.

(d) Sections 4(a) and 7(c) of such Act are each amended by striking out "Public Health Service" and inserting in lieu thereof "Department of Health, Education, and Welfare".

(e) Sections 7(a)(2)(B) and 10(b) are each amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary".

(f) Section 10(a) of such Act is amended by striking out the second and third sentences thereof.

SEC. 2. (a) Subsection (a) of section 4 of the Federal Water Pollution Control Act is amended by striking out in paragraph (4) thereof the following: "Provided, That the total sum authorized to be appropriated for any fiscal year for fellowships pursuant to this subparagraph shall not exceed \$100,000; and".

(b) Paragraph (5) of subsection (a) of section 4 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "; and".

(c) Section 4 is further amended by adding at the end thereof the following new subsections:

"(d) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

"(e) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters."

SEC. 3. (a) Subsection (a) of section 5 of the Federal Water Pollution Control Act is amended by inserting immediately following "June 30, 1961, \$3,000,000" the following: ", and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, \$5,000,000".

(b) Subsection (f) of section 5 of the Federal Water Pollution Control Act is amended by striking out "and" at the end of paragraph 4 thereof, by striking out the period at the end of paragraph 5 thereof and inserting in lieu thereof the following: ", and" and by adding after such paragraph 5 the following new paragraph:

"(6) sets forth the criteria used by the State in determining priority of projects as provided in section 6(b)(4)."

SEC. 4. (a) Subsection (b)(2) of section 6 of the Federal Water Pollution Control Act is amended to read as follows:

"(2) No grant shall be made for any project in an amount exceeding whichever of the following is the smaller: (A) \$800,000, or (B) the total of 30 per centum of the first \$1,000,000 of the reasonable cost of the project as determined by the Secretary, plus 15 per centum of the next \$2,000,000 of such cost, plus 10 per centum of the remainder of such cost: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That in the case of a project which will serve more than one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the foregoing limitations in this clause to each such share as if it were a separate project to determine the maximum amount of any grant which may be made under this section with respect to each such share, and the total of all the amounts so determined or \$2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for purposes of the limita-

tion in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works".

(b) Subsection (b) of such section is further amended by striking out "and" after clause (3) and by inserting before the period at the end of clause (4): "; and (5) no grant shall be made for any project under this section in any State in an amount exceeding \$250,000 until a grant has been made thereunder for each project (A) for which an application was filed with the appropriate State water pollution control agency prior to the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to such date of enactment".

(c) The third sentence of subsection (c) of such section is amended by striking out the final period and inserting in lieu thereof the following: ", except that any such allotment which is not obligated within six months following the end of the fiscal year for which it was made because of a lack of projects which have been approved under subsection (b)(1) of this section, or certified as entitled to priority under subsection (b)(4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him. Any amount made available to a State by reallocations under the preceding sentence shall be in addition to amounts otherwise allotted to such State under this section, and shall be available for payments with respect to projects in such State which have been approved under this section prior to the close of the fiscal year following the year for which the original allotment was made."

(d) Subsection (d) of such section is amended by striking out "\$50,000,000" and inserting in lieu thereof "\$100,000,000", and by striking out "\$500,000,000" and inserting in lieu thereof "\$1,000,000,000".

(e) Such section is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C. 276a through 276a-5)."

SEC. 5. (a) The first sentence of subsection (a)(1) of section 7 of the Federal Water Pollution Control Act is amended to read as follows: "There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees."

(b) The first sentence of subsection (a)(2) (A) of such section 7 is amended by inserting before the period at the end thereof: ", and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective".

SEC. 6. Section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"ENFORCEMENT MEASURES AGAINST POLLUTION OF NAVIGABLE WATERS

"SEC. 8. (a) The pollution of navigable waters in or adjacent to any State or States

(whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

"(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of navigable waters shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a final order is issued in accordance with subsection (e) of this section or a court order under subsection (g) of this section.

"(c)(1) Whenever requested by the Governor of any State, a State water pollution control agency, or (with the concurrence of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, a State water pollution control agency, or (with the concurrence of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the requesting State where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the requesting State. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring.

"(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

"(3) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

"(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

"(e) If, at the conclusion of the period so allowed, such remedial action is not taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution is not taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. Such findings and recommendations shall be the findings and recommendations of the Secretary except to the extent, on the basis of the evidence at such hearing, he believes additional or different findings or recommendations are warranted. The Secretary shall send his findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with an order specifying a reasonable time, but not less than six months from the date of issuance of such order, to secure abatement of such pollution in accordance with such findings and recommendations. Such order shall become final on the sixtieth day after the date of its issuance unless an appeal is taken as provided in subsection (b). The Secretary shall also send a copy of such findings and recommendations and such order to the water pollution control agencies and interstate agencies, if any, attending the hearings as a party of record.

"(f) An appeal may be taken from any such order of the Secretary by any person who has been made subject to such order to the United States court of appeals for the circuit in which any discharge or discharges causing or contributing to the pollution subject to abatement by such order originates by filing with such court a notice of appeal within sixty days from the date of issuance of the order. The jurisdiction of the court shall attach upon the filing of such notice. A copy of such notice shall forthwith be transmitted by the clerk of the court to the Secretary or any officer designated by him for that purpose and to any other person who received a copy of the Secretary's order. The Secretary shall thereupon file in the court the record of the proceedings before the Hearing Board as provided in section 2112 of title 28, United States Code, together with his findings of fact and recommendations. Such findings of the Secretary, if supported by substantial evidence when considered on the record as a whole, shall be conclusive, but the court for good cause shown may remand the case to the Secretary for the taking of additional evidence in such manner and upon such terms and conditions as the

court may deem proper. The Secretary may thereupon make or cause to be made new or modified findings of fact and recommendations, and he shall file with the court the record of such further proceedings, the new or modified findings and recommendations, and his recommendations, if any, for the setting aside or modification of his original order. Such new or modified findings shall likewise be conclusive if supported by substantial evidence when considered on the record as a whole.

"(g) Upon the basis of the record of the proceedings filed with it, the court shall have jurisdiction to enter an order affirming or setting aside, in whole or in part, the order of the Secretary. The judgment of the court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(h) The United States district courts shall have jurisdiction of any civil action brought by the Attorney General at the request of the Secretary to enforce any order issued under this section by the Secretary, or by a United States court of appeals.

"(i) Members of any Hearing Board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(j) As used in this section, the term 'person' includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State.

"(k) As used in this section, the term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law."

SEC. 7. Section 9 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentences: "In his summary of any conference pursuant to section 8(c)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 8(e) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board."

SEC. 8. Section 11 of the Federal Water Pollution Control Act is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"(e) The term 'interstate waters' means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters."

SEC. 9. In the case of any discharge or discharges causing or contributing to water pollution with respect to which the actions of the Surgeon General or the Secretary prescribed under section 8 of the Federal Water Pollution Control Act, as in effect prior to the enactment of this Act, have already been completed prior to such enactment, the provisions of such section as so in effect shall continue to be applicable until the pollution caused by such discharge or discharges has been abated.

SEC. 10. This Act may be cited as the "Federal Water Pollution Control Act Amendments of 1961".

Mr. BLATNIK (during the reading of the bill). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 5, strike out "7, and 8" and insert in lieu thereof "and 7".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 25, strike out "; and".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Strike out lines 1, 2 and 3 on page 3.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 4, strike out "(c)" and insert in lieu thereof "(b)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 12, strike out "4" and insert "(4)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 13, strike out "5" and insert "(5)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 14, strike out the comma and insert in lieu thereof a semicolon.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 15, strike out "5" and insert "(5)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, strike out lines 21 and 22 and insert in lieu thereof: "follows: '(2) no grant shall be made for any project in an amount'".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 10, line 4, strike out the period and insert in lieu thereof a comma and the following: "unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of such significance to warrant exercise of Federal jurisdiction under this section."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 12, line 25, strike out "(B)" and insert in lieu thereof "(f)".

The committee amendment was agreed to.

Mr. LANKFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANKFORD: Page 3, line 6, after the words "United States" add "one in the Middle Atlantic area,".

Mr. LANKFORD. Mr. Chairman, I am deeply concerned that section 2(d) of H.R. 6441, in providing for the establishment of field laboratory and research facilities throughout the United States, has omitted specific reference to the Middle Atlantic area.

This region, comprised, as a minimum, of the States of Pennsylvania, West Virginia, Virginia, Delaware, and Maryland, with its population today of approximately 21 million, is in desperate need of the establishment of its own regional laboratory and research facility. The committee in its report emphasized the problem of acid-mine drainage from abandoned coal mines in Pennsylvania and West Virginia. These drainage problems quite obviously affect the States of Maryland and Virginia. The Chesapeake Bay region needs immediately research assistance to find ways to combat the effects of water pollution on the region's great seafood industry.

The State of Maryland has for a considerable period of time conducted its own research program and in recent years has undertaken cooperative research efforts with the State of Virginia. I believe the public is now becoming fully aware of the effects of certain kinds of pollution, both industrial and municipal, on fish and other marine resources. I am deeply conscious of the fact that an alarming number of public beaches have been closed by health agencies and that the use of oysters, clams, and other foods has been forbidden, if taken from polluted areas, the number of which is on the increase. This is a problem of the greatest magnitude to our Nation's economy, and is of paramount importance to the Middle Atlantic area. It is recognized that the seafood industry is in real need of assistance, and the location of a research facility in the area as called for by my amendment will not only be of inestimable value to this region, but will supply sources of information that will assist other States dependent, as we are in Maryland to a large degree, upon a vigorous and healthy seafood industry.

The advantages of locating a regional laboratory in the Middle Atlantic area, I believe, are self-evident. Not only would such a facility be in close proximity to Washington, but it would also be close to many colleges and private research organizations that would enable the establishment of graduate training in various fields connected with this most complex problem.

Gov. J. Millard Tawes of Maryland, in his letter to me of March 15 supporting my amendment, expressed his deep concern that all too many of the areas of the Chesapeake Bay have shown evidence of increasing pollution. He is certainly correct when he refers to the Chesapeake Bay as the greatest natural resource of the State of Maryland. I submit that it is an area that will not only provide increased recreational opportunities for all the people of the Middle Atlantic region, but one which is even now a principal source of income for many residents of the States of Maryland, Virginia, and Delaware.

Earlier this week, I advised my colleagues from the five States directly affected of my intention to offer this amendment. I am very encouraged by their overwhelmingly favorable response. I strongly urge acceptance of the amendment.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. I yield.

Mr. BLATNIK. Mr. Chairman, the gentleman from Minnesota is well aware of the amendment offered by the gentleman from Maryland, well aware of the problem of the Middle Atlantic area. We included in our report specific reference to other areas including, but not limited to, one to be located in the northeastern area of the United States, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska.

Speaking for the majority of the committee, we accept the amendment.

Mr. LANKFORD. I thank the chairman and express the hope that the minority will be equally willing to accept the amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. I am glad to yield to the gentleman from Florida.

Mr. CRAMER. I had some difficulty in determining whether the Middle Atlantic should be specifically noted as a separate area. It seems as though the Secretary would have authority to locate one there, or that this area would come within the Northeast and Southeast, why to say they could not locate a laboratory in the Middle Atlantic area as part of one of these two. Do I interpret it correctly?

Mr. LANKFORD. As I understand the bill it calls for six locations.

Mr. CRAMER. That is correct.

Mr. LANKFORD. Northeast, Southeast, Midwest, Pacific Northwest, southwestern area, and one in the State of Alaska.

I feel that the problems of the mid-Atlantic area States are peculiar to that

area and as such merit a laboratory to deal with these problems.

Mr. CRAMER. I will say to the gentleman that under those circumstances I do not believe the minority would object to the area being considered a separate area for a laboratory.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. LANKFORD. I yield.

Mr. HARDY. I wish to compliment the gentleman for calling the attention of the House to the need of the Mid-Atlantic area for such a laboratory.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

Mr. SCHERER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHERER: On page 7, line 1 through 4, strike out all of subsection (d); and on line 5 strike out "(e)" and insert in lieu thereof "(d)."

Mr. SCHERER. Mr. Chairman, my amendment would keep at the present level the Federal aid money to cities, as in the present law, namely \$50 million a year, with a maximum amount over a 10-year period of \$500 million.

The bill provides that we increase the amount from \$50 million a year to \$100 million a year, with an overall increase of \$1 billion over a 10-year period.

As I said in general debate, there is no question that the pollution of our waters today, as in the past, is as outlined so ably by the chairman of the subcommittee, Mr. BLATNIK. There is no question about that. The question we have to determine is whether or not we want to continue to have the Federal Government take an ever-expanding role in granting moneys to cities in the United States to help them clean up their own pollution. That is the real issue insofar as this bill is concerned.

In 1956 the Senate did approve a bill which broadened the base of Federal enforcement jurisdiction. It put teeth into the enforcement provisions of the law at that time. There was no grant-in-aid program to cities in that bill.

The Department of Health, Education, and Welfare at that time opposed any grant-in-aid provisions for that bill. The then President of the United States opposed it and vetoed the bill because it did eventually contain such a provision.

The proponents of increasing the amounts of Federal money argue that this money stimulates the construction of disposal plants in cities that cannot afford to build their own plants. That is not so, in my opinion, because you must remember that these strong enforcement provisions and the broadening of the base of Federal enforcement came in the 1956 act. It is and was those strong enforcement provisions, both at State and Federal level, that caused and compelled many of these cities to get busy and build their own treatment plants. That is what caused the expenditure of the money for disposal facilities by cities. Anyone who feels that the \$50 million a year we have been

expending to give to the cities to help them build a pollution plant is an incentive is living in a fool's paradise, because disposal plants cost money. In my own city the disposal plant cost \$62 million. What in the world can we do with \$50 million a year for the entire United States? As I said in 1956, this is a foot in the door for another big continuing ever-expanding Federal-aid program.

We are now being asked to increase the Federal money available from \$500 million to \$1 billion. If you are going to do any kind of a job, if the Federal Government is going to continue to participate in this program, the total cost may eventually reach \$5 billion. We ought to know where we are headed. That is the reason for my amendment.

The President in his veto message last year stated the issue better than I can:

Because water pollution is uniquely a local plight, primary responsibility for solving the problem lies not with the Federal Government but, rather, must be assumed and exercised, as it has been, by the States.

The President continued in his veto message as follows:

By holding forth the promise in a large-scale program of long-term Federal support, it would tempt municipalities to delay water pollution abatement efforts while they waited for Federal funds.

That is what is going to happen.

Cities will delay going forward. They will wait hat in hand for Federal moneys which they know will be increased from year to year. Let us adopt this amendment and let local governments take care of their own waste as many cities have already done with their own money—without Federal aid. Let us not make these cities who failed to take care of their own waste now pay to get rid of the laggard's dirt.

Mr. SMITH of Mississippi. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, all of us wish that it were possible to accomplish this program with a less expenditure of money than is contemplated in the bill. Unfortunately, it is obvious from the experience that we have had in the 5 years in which the program has operated that a larger amount of Federal grants is necessary in order to accomplish the minimum needs that are involved. What we need to realize now is that unless we establish a program that is in keeping with the minimum established needs, that the cost to us in the not very distant future is going to be far more than the \$100 million a year that is authorized here. The \$100 million authorized here will meet the problem as it has been surveyed both by the Department of Health, Education, and Welfare and by the Association of State Commissioners who operate in this field. However, if there is further delay, if the needs pile up, if a more accelerated crash type of program becomes necessary, the present authorization is going to be insufficient, and we are going to have to meet far greater costs than are envisioned in the bill here.

INCENTIVE

I do not think I have to explain to any of you who have watched this program in your individual States about the incentive that is involved in it. I have seen in my own State communities which had no thought of participating in the program; who were not under any threat of State or local government as a requirement to participate in the program, who joined in the program because of the incentive offered by the 30 percent grant. The increase from \$50 million to \$100 million is designed for no other purpose than that each need throughout the country can be met in an orderly fashion.

According to the estimates that have been made by the authorities in this field, within the program envisioned here in the next 8 years, the current needs can be met. If we adopt this program now, we will be doing it at far less cost to the taxpayer than if we put it off and have to move into a crash program later.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Mississippi. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. In the final analysis, looking at this from a sensible standpoint, would it not be very unrealistic for this body to extend considerable coverage in this program to more than 22,000 bodies of water not now covered by the program and yet hold down the sum of money to the present figure that the gentleman from Ohio advocates?

Mr. SMITH of Mississippi. We, of course, have to increase the allocation to meet the additional coverage. We have to do it primarily, however, because it is a cheaper way for us to assure a supply of cleaner water for the future than if we have to get it through some other means. This is the biggest individual weapon that the communities can have in an overall water pollution control program. We have to have the program expanded insofar as the grants are concerned to enable us to meet the clearly defined needs for our water supply in the future. Our water is going to cost us a whole lot more in the future in terms of both the Federal and local costs if we do not attempt to meet this problem right now through the authorization of these additional grants that are absolutely essential.

Mr. Chairman, it is in the interest of a long-range program to vote down the amendment and vote for the figure outlined in the bill.

Mr. GROSS. Mr. Chairman, I move to strike out the requisite number of words.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, I take this time to ask the chairman or the acting chairman of the committee a question. Under the provisions of the bill H.R. 6441 the State of Mississippi would do pretty well by way of obtaining funds, would it not?

Mr. JONES of Alabama. Yes, on a proportionate basis on which the distribution is made. On the \$50 million formula, the State of Iowa would fare equally well. The table is set out on page 14 of the report showing the amounts that each State would be eligible to receive under the terms of this bill.

Mr. GROSS. Perhaps the gentleman from Alabama cannot answer the question, but perhaps the gentleman from Mississippi [Mr. SMITH], who just addressed the House, can answer it. Did the State of Mississippi a couple of years ago reduce its State income taxes?

Mr. JONES of Alabama. I would have to defer to the gentleman from Mississippi [Mr. SMITH] for an answer to that question.

Mr. GROSS. Perhaps the gentleman from Mississippi can answer the question.

Mr. SMITH of Mississippi. Mr. Chairman, will the gentleman ask the question again?

Mr. GROSS. Did the State of Mississippi within the last 2 or 3 years reduce its State income tax?

Mr. SMITH of Mississippi. The State of Mississippi reduced its State income tax, but I was not a member of the legislature that did that.

Mr. GROSS. I am not saying anything about the gentleman's being a member of the State legislature. So, Mr. Chairman, we have a situation here where the State of Mississippi has, as I understand it, substantially reduced its taxes on corporations and individuals, and now comes crying to the U.S. Government for help. We have had no reduction in State income taxes in the State of Iowa and we do not benefit as much as does the State of Mississippi under the terms of this bill.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield, if the gentleman can shed any light on why we should be spending money to increase the allocation to the State of Mississippi when it is reducing the taxes on their people.

Mr. EDMONDSON. I should like to point out to the gentleman from Iowa that there are other States that have increased their tax loads who are asking for this legislation.

Mr. GROSS. I do not doubt that at all, but I do not see any reason why the Federal Government, with a debt of \$290 billion, should be increasing allocations to States that find it possible to decrease the taxes upon their own people.

Mr. EDMONDSON. The gentleman realizes, I hope, that these allocations in the final analysis go to the municipalities, within the States, and not to the governments of the States themselves, to the State sovereignties.

Mr. GROSS. They are integral parts of the State governments, are they not?

Mr. EDMONDSON. Practically every municipality in the country has been increasing its taxes in recent years and I am quite sure that that holds true in Mississippi as well as in the gentleman's own State of Iowa.

Mr. GROSS. I just got through saying to the gentleman that the gentleman from Mississippi [Mr. SMITH] admitted that that State has reduced its State income tax. You cannot have it both ways.

Mr. EDMONDSON. This money is going to the municipalities. I do not believe the gentleman from Iowa can point to any municipality in Mississippi that has not been increasing its tax load, as well as other cities in other States.

Mr. GROSS. I am sure that the people who live in the municipalities pay State income taxes in the State of Mississippi, too. The gentleman will agree with that, will he not?

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Florida.

Mr. CRAMER. The point that the gentleman is making, of course, is well taken, particularly as it relates to State responsibility. The amendment which I intend to offer, and which I shall offer shortly, would require that by 1964 the States would accept some responsibility by matching the additional moneys above \$50 million with State funds. That is the problem in the whole program. The States have not shown enough interest, because the States have not had to put up the money. This is a program by the Federal Government, to be offered to the local governments. The States should bear their fair share. As I said, the gentleman's point is well taken. The States have not gone ahead with programs, except in five States. I think we should encourage them to do so and by 1964 we should require them to do so.

The gentleman from Ohio [Mr. SCHERER] has a comment with regard to Cincinnati as it relates to the matching funds, if the gentleman will yield to him.

Mr. GROSS. I thank the gentleman from Florida and yield to the gentleman from Ohio.

Mr. SCHERER. There are many, many cities in the United States that have gone forward and built sewage treatment plants without aid from the Federal Government and have not only imposed income taxes as in my own city, but also have imposed water taxes to pay for these sewage disposal treatment plants. If we continue to expand the amount the Federal Government is going to contribute to the cities, these cities to which I have just referred, are going to have to pay twice.

Mr. LESINSKI. Mr. Chairman, I am pleased to support the Federal Water Pollution Control Act of 1961, to provide, among other things, additional funds for grants to communities to assist in the construction of sewage-treatment facilities.

I believe this legislation is urgently needed and long overdue. There is no question about water pollution having become a very serious national problem, and if we are to insure that in the future our country will have water sufficient to meet its ever increasing needs, we must take action now to control and abate pollution of our waterways.

I have been interested in this overall

problem, but there is another urgent need for this legislation, particularly as it will help the area which I represent. There exists at the present time in my district a serious situation, which may exist in other parts of the country also, in that almost all residential, commercial, and industrial construction is at a standstill, not because of economic conditions but because of a ban on new building construction imposed by the Michigan State Department of Health. The department has imposed this ban because of inadequate sewage facilities which will prevent pollution in the area.

As I have pointed out many times, my area suffers from one of the highest rates of unemployment in the country and the halt in construction has only aggravated the situation. Therefore the legislation under consideration will help alleviate not only the water problem but also the unemployment problem in an economically depressed area.

I urge approval of the legislation now under consideration.

Mr. RANDALL. Mr. Chairman, for individual as well as national well being, I feel it is imperative that the Water Pollution bill be passed.

A grave shortage of pure water exists in most parts of the United States today. This problem is not confined to the business man and the industrialist, but to the homemaker and the farmer. Each of us share a basic need for pure-uncontaminated water. Each of us share a primary concern in the deterioration in health. And my fellow colleagues, this concern will be intensified unless something is done and done now.

At the present time, water is being re-used, but this method will have to be stepped up and increased if we are to meet present and future needs. Research must go forward for in less than 20 years it is anticipated that we will be using double the amount of water that is being used today. States and cities should be encouraged to participate more fully with water pollution control activities.

Physical fitness is of paramount importance to the individual and to our country's welfare and because of the fast pace which is kept by all Americans, it is imperative that we maintain places where we can get away from it all. But as I have seen, and I am sure each of you have seen, in many, many of our parks today we find posters—warning us of contaminated water.

In my home area, metropolitan Kansas City, Missouri, the shortage of pure, safe water may become acute. I am sure that most of you find the same potential shortage in your metropolitan areas.

Yes, this program will cost money—but I do not believe we can say it is an expense—rather it is an investment in the future of America—an investment we cannot neglect to make in the face of our expanding population.

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 6441, a bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. This legislation will authorize the establishment and

maintenance of field laboratory and research facilities in various parts of the country and the conduct of water quality studies of the Great Lakes; increase grants to State and interstate agencies for the operation of their water pollution control programs from \$3 to \$5 million annually and extend the authorization for such grants to June 30, 1971; increase the authorization of appropriations for waste treatment works construction grants from \$50 million to \$100 million annually and the total authorization from \$500 to \$1 billion, and, among other things, increase maximum allowable grants from \$250,000 to \$800,000 and substitute sliding scale formula for present 30 percent grant limitation.

Mr. Chairman, as the Committee on Public Works has so well stated in its report to the House, water has become the No. 1 resource problem confronting the United States today. As a member of the Appropriations Subcommittee for Public Works, I have been keenly aware and most concerned about this problem. The water problem is directly related to our country's rapid population and economic growth. This growth is creating a major impact on water resources from a rapidly growing demand for water to produce the things we need to eat, wear, and use, and for an ample supply of clean, safe water for drinking and for recreation.

FRESH WATER DEFICIENCY WILL REACH 85 BILLION GALLONS DAILY IN 1980

The committee report points out that by 1980 our population is expected to reach the 232-274 million range and that our estimated fresh water needs will total 600 billion gallons a day—nearly double present water use. However, by 1980 the developed dependable fresh water supply is expected to total about 515 billion gallons a day. Therefore, demand will exceed supply by 85 billion gallons a day in just 20 years. It is obvious that the Nation's water needs from now on must be met by using the same water over and over. Thus, through this legislation and vital program, the highest priority in water resources developments must be given to the all-important need of providing for the cleanliness of the limited water supply so that it can be used and reused in meeting the Nation's increasing requirements for water for all purposes.

Mr. Chairman, more "new" water can be provided to meet needs by controlling pollution than by any other means. Pollution control has the advantage of permitting the use of an already available distribution system, the waterways of the country, to deliver water of satisfactory quality to the points where it is needed. I urge the passage of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. SCHERER].

The question was taken; and on a division (demanded by Mr. SCHERER) there were—ayes 59, noes 132.

So the amendment was rejected.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 6, line 6, strike out the period and insert in lieu thereof a comma and the following: "and such subsection (b) is further amended by adding at the end thereof the following new sentence: 'if the total of all appropriations, made under authority of this section, for any fiscal year which begins after June 30, 1964, exceed \$50,000,000, no grant shall be made for any project from that portion of the appropriation in excess of \$50,000,000 which is allocated to any State unless such State shall pay toward the cost of such project an amount equal to the Federal contribution made to such project from such amount in excess of \$50,000,000.'"

Mr. CRAMER. Mr. Chairman, I have a second amendment, on page 7, lines 2 and 3, dealing with the same subject matter. I ask unanimous consent that these amendments may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: Page 7, lines 2 and 3, strike out "\$100,000,000" and insert in lieu thereof "\$75,000,000", and on line 4, strike out "\$1,000,000,000" and insert in lieu thereof "\$750,000,000".

(Mr. CRAMER asked and was given permission to revise and extend his remarks.)

Mr. CRAMER. Mr. Chairman, these amendments are very simple. What they do is reduce the authorization as proposed in the bill from \$100 million to \$75 million annually and require after June of 1964 that the States match all funds in excess of the present program of \$50 million. In other words, until June of 1964 the program of the \$50 million plus an additional \$25 million, or a total of \$75 million, will continue to go forward, for a period of 3 years.

My amendment acknowledges that we have serious problems in connection with the abatement of water pollution. I initially supported Public Law 660; that is, I was one of those who introduced one of the bills which became Public Law 660. I was opposed to the bill, which was vetoed by the President, on the basis that I believed it should be on the basis of the States matching the money, because I feel we will never have an effective water pollution program until we have the States contributing to this program, and giving them adequate time to do so legislatively so that they can provide the money to match the additional \$25 million or such amount as may be approved above the present \$50 million program.

That is all the amendment does. I think it is sound. I am an advocate of a strong antipollution control program. I do not believe we should go so far in enforcement as to include intra-State streams, which is dealt with in another amendment that I will offer.

So far as the grant-in-aid program is concerned, this amendment provides for a \$25 million increase. We just got

through voting on the floor of the House and recently passed in this body a bill which would provide for such funds in surplus labor areas, the so-called depressed area bill. We had a program of \$100 million in loans and \$75 million in grants in that bill, any portion of which can be made available for exactly the same purpose as this program. Likewise, with reference to the Housing and Home Finance Administration which has a program to put money into a sewage disposal plant. As a matter of fact, that is where most of the \$100 million authorized money has gone. As a matter of fact, that is where practically all of that loan money has gone so that we find the Federal Government giving a grant of 30 percent and giving their Housing and Home Finance Administration a loan program for the balance of the money.

This puts the grant program in proper focus. I say to you the additional \$25 million proposed in the amendment I have offered requiring State-matching funds in 1964 is a sound approach, and for this reason: If we do not get the States into this program on a State-matching fund money basis, then I do not think this program on a longrun basis can ever really do the job when it comes to sewage disposal treatment plant construction.

The matching of an additional \$25 million annually and authorization for Federal grants will have the same result that the majority wants in the bill to provide \$100 million for the program, after June of 1964, with the States accepting their responsibility for an increased amount. The requirement of the States matching of additional authorizations would result in more effective screening of the project applications since the State would have a financial interest. The State under such a matching arrangement would want to confine its grants to projects of outstanding merit most urgently needed to handle the real water pollution problem if they had to match the money. Cooperation by the State with the Federal Government would greatly strengthen the water pollution control program. Likewise, it would mean—and please listen to this—it would actually mean more money would go to the local communities. It would mean additional matching funds, State and local, on a percentage basis would go to local communities. It would mean the States would be able to put up additional matching funds and the local communities themselves would be able to put up less than the present maximum requirement of approximately 70 percent.

So what you would be doing through State participation is encouraging the State to go forward with even greater Federal-State matching funds. So this would have the effect of providing up to 40 percent of State-Federal money as compared to 30 percent Federal money today to the local communities.

To those who wish to see this program go forward, this will give the

State more effective participation in the water pollution control program. That is what the fight is between the minority and the majority today on this bill: We all want and, so far as I am concerned, of course, I want water pollution control. We want adequate control of water pollution. We want adequate funds in the bill. We want the States to be proper partners in the program and not have the Federal Government exclusively accept the responsibility. My amendment will accomplish it.

Mr. JONES of Alabama. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman from Florida is a repetition of the previous amendment which was considered and which was offered by the gentleman from Ohio.

Mr. Chairman, in the last 50 years this Congress has considered over 100 bills dealing with the pollution problem, but it was not until 1948 that we passed a bill that specifically dealt with the water pollution problem, the Water Pollution Control Act of 1948. That bill did not contain a grant section. It was passed with the expectation that there would be great gain from its operation over the ensuing 10 years, that disclosures would be made as to whether or not cooperative action with the States would be satisfying in dealing with the problem realistically. Eight years passed and there were no accomplishments and there were no gains made under the Antipollution Act of 1948. But in 1956 an act was passed providing for grants, and it has been one of the most successful water acts ever passed by the Congress. It has been received and accorded applause in every State of the Union as demonstrated by the fact that almost every State has participated to the maximum extent of allotments available.

So if we are to achieve greater success and attain the ends we seek in this bill we must increase the minimum requirements.

I hope the committee will not accept the amendment offered by the gentleman from Florida.

Mr. DOMINICK. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and members of the committee, I would like to congratulate the committee, both the majority and minority members, on the hard work which has been put in on a most important and difficult subject. I have been very active in my own State on water affairs, having been a member of the water committee of the State legislature for 4 years, having sponsored research studies on methods of replenishing underground waters without contamination, and having sponsored and helped to push through a metropolitan sewage-disposal district which will provide service for a great number of municipalities in the Denver metropolitan area. I am, therefore, aware of the importance of the measure and aware of the local efforts which have been made by many areas to solve the problem of waste disposal.

I suggested to the water conference held in Washington, D.C., in December 1960 that consideration be given to the enactment of a uniform law containing provisions which would standardize pollution criteria and enforcement of anti-pollution measures. I feel that Federal aid should be conditioned on a State adopting such law. Unfortunately, however, no such law has yet been completed, and, hence, this type of approach is not now feasible.

It is my own feeling that Federal participation in local sewage-disposal districts must at least be conducted on a partnership basis with the States involved so that there will be a true Federal, State, and local partnership, with the costs shared in proportion to their respective responsibilities. Without this, it seems to me that, instead of providing an incentive for action by local communities to accept obligation for local responsibilities, we will be inserting the Federal jurisdiction into local affairs. I earnestly request, Mr. Chairman and members of the committee, that for these reasons you consider favorably the proposal advanced by the gentleman from Florida, under which State participation in these projects would be required. This proposal is not extreme, as it gives ample time for the States to take action to provide such assistance.

If we are to retain our system of sharing responsibilities between governmental levels, we should not at the same time take away responsibility from the basic element of our Government—the States—and transfer it to the Federal Treasury.

(Mr. DOMINICK asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendments offered by the gentleman from Florida [Mr. CRAMER].

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes 69, noes 138.

So the amendments were rejected.

Mr. CRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER: On page 8, line 10, after "of" insert "inter-state".

Mr. CRAMER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

(Mr. CRAMER asked and was given permission to revise and extend his remarks.)

Mr. CRAMER. Mr. Chairman, I will take only so much time as I think is absolutely essential to explain the purposes and the reasons for the amendment I have offered.

Mr. Chairman, during this discussion we have heard quotations of Solomon and quotations of proposals by Senator Taft. But I would venture to say if Solomon were considering this question his position would be that the Federal Government has limited powers and

States have responsibilities and authorities that should be protected, and that an all-powerful Federal Government is not a proper approach in a representative form of government in a republic, as we have in this country.

That is the fundamental issue involved in this particular amendment. I venture to say further if Senator Taft were present, and I venture to say any proposition made by him would not be one that would include the Federal Government taking over jurisdiction from the States so far as water pollution is concerned over intrastate waters, waters flowing within the boundaries of States, waters flowing within the States to coastal waters, which are of course the vast majority of the shorter streams throughout the country. The larger interstate streams are largely covered by present legislation and would be covered by the bill before us; adding the Great Lakes and streams forming State boundaries.

I say to you it is a crucial question of Federal responsibility, a crucial question of policy which this Congress must decide, and I think by implication involves the basic constitutional concept of separation of powers as between Federal, State, and local governments.

Mr. Chairman, it has been suggested that because I take the position the States should retain jurisdiction, and by retaining jurisdiction I mean over intrastate waters, I am for some unknown reason supporting some polluters. This is absolutely false. No one has been a stronger supporter of Public Law 660, having sponsored the bill myself, or of needed amendments to this bill than myself. So far as I am concerned, if my amendment is adopted, I will support the bill. The result of it as so amended would be that you would have stronger water pollution control throughout this country because you would have the States retaining intrastate jurisdiction, and in so retaining jurisdiction accepting responsibility and going in and doing the job themselves on their own intrastate streams and working conjunctively with the Federal Government where it properly has jurisdiction on interstate streams. My objective is to strengthen water pollution control by strengthening the hands of the States, by retaining in them residual jurisdiction, which means this will help them in beefing up their water pollution programs. They can only be encouraged to do so if the Federal Government does not sap up all of the jurisdiction. That is what this fight is about, that is what the difference of opinion is. It is a very deepseated feeling, so far as I am concerned.

I believe that the States have certain rights and likewise they have certain responsibilities. Nothing has been shown to indicate that the States have not been accepting that responsibility. As a matter of fact, it has been shown that States have been coming in with stronger antipollution laws because they have jurisdiction over these intrastate streams. Now we are going to discourage them from doing that job by

taking away from them exclusive intrastate jurisdiction which they now have.

As a matter of fact, it is important that the significance of this proposal be understood, in view of what the present law is and what this bill proposes in the way of enforcement provisions.

Let me say I am wholeheartedly in favor of strengthening the enforcement provisions that relate to proper Federal interstate stream jurisdiction. I am wholeheartedly in support of strengthening the water pollution control arm of the Federal Government in cooperation with the States as it relates to interstate waters, which is a proper Federal function. I am not in favor of going beyond that to include intrastate waters, a proper State function.

Where did this idea come from? Again, it is not necessarily only mine. It came from the previous administration in its recommendations to Congress in the last session. What did the administration say at that time with regard to this very same question, realizing, of course, that today the only jurisdiction the Federal Government has under present law is over interstate waters?

So, the question is, Do we want to broaden that jurisdiction to include practically every shallow stream in America? That is the question in my mind. Do we want to include every stream that can float a log? That is what it amounts to, even though it has nothing to do with interstate commerce whatsoever, let alone intrastate commerce, in fact, when it comes to actually using the stream for navigation.

So, here is what the previous administration recommended:

The first recommendation for the amendment of section 8 would make these procedures available also whenever there is pollution affecting the legitimate uses of the waters of any navigable interstate stream, whether or not there is interstate pollution.

And, we go along with that. We accept that proposal.

Federal jurisdiction in this kind of pollution situation, however, would be exercised only upon request by the State, and then only when the interference with legitimate uses is judged to be of sufficient significance to require the initiation of enforcement procedures. Such an extension of Federal authority could serve to improve serious pollution situations which are also of great national importance although not endangering the health or welfare of persons in a State other than that in which the discharge originates. Inclusion of navigable interstate waters within the scope of the water pollution enforcement procedures is consistent with constitutional authority over these waterways.

So, this is consistent with the previous administration's program of jurisdiction only over interstate waters but including intrastate pollution on those waters if such exists. So, we go along with that extension, but we do not go along with the extension of including intrastate waters within Federal jurisdiction, and I think for many, many sound reasons: As a matter of fact, this proposal is consistent with the broad recommendations suggested by Senator KERR's special committee in the other body. It is consistent with the position of the

distinguished Senator, who is an authority on this subject in regard to enforcement, in that the bill he introduced carried in the first place a \$75 million figure, which was just defeated by the House, but also did not include additional law enforcement provisions, because he apparently felt they were adequate today.

You have to realize that if this is included, you are discouraging not only the individual States, but look at all these compact States, these river basin States. Many of them in these areas joined together to lick this problem themselves. I say that the Federal Government taking over the enforcement authority is going to destroy and not build up that concept which is so essential for the control of a proper water supply in the future as pointed out in the Kerr committee report. Unless we adopt this amendment, the result is that we are going backwards instead of forwards in carrying on a very essential program between the States and the Federal Government, and believe you me, as far as I am concerned, that is the only way we can ever have a strong program. You cannot do it by weakening the States. Not only do you take in intrastate jurisdiction, but the States have nothing to say, as they do under present law, about the form of the order issued by the Secretary. The Secretary does not have to consult them when he makes the order. Also, when he goes to court to get an order enforced, he does not have to consult with the States, as he does under present law. That is why we are concerned about extending this Federal jurisdiction, because the enforcement sections are being so broadened and the States left out of the picture, in the final stages, and therefore the intrastate feature should be excluded from the bill.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman.

Mr. WRIGHT. Mr. Chairman, I am going to ask just which bodies of water the gentleman would bring in and just which bodies of water he would leave out by the inclusion of this word which he suggests for insertion. I recall yesterday in the Committee on Rules when a group of us from the committee appeared the illustration was given of the Rappahannock and if I recall properly the gentleman's definition, he said the Rappahannock would still be in.

The CHAIRMAN. The time of the gentleman from Florida [Mr. CRAMER] has expired.

(Mr. CRAMER asked and was given permission to proceed for 1 additional minute.)

Mr. WRIGHT. Mr. Chairman, will the gentleman yield further?

Mr. CRAMER. I yield.

Mr. WRIGHT. I believe he said at that time that under his proposed definition the Rappahannock would still be in; is that correct or incorrect?

Mr. CRAMER. I think the gentleman has made a good point and I am glad he has given me the opportunity to emphasize this. If he will look at page 16, line 7, he will find the definition of inter-

state waters. It is agreed by the minority and the majority that the proper definition of that term is, as it affects coastal streams—that is, streams flowing from within a State to the coast—the proper definition would mean that those would be excluded by my amendment. It is intended for them to be intrastate streams in the future as they have been in the past, and therefore the determination of interstate waters does not include streams that flow from within a State, not across State boundaries to the coast. Those would be excluded by my amendment and properly so, because in the past they were.

The CHAIRMAN. The time of the gentleman from Florida [Mr. CRAMER] has again expired.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment.

(Mr. EDMONDSON asked and was given permission to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Chairman, I can agree with just about one statement which has been made by the gentleman from Florida [Mr. CRAMER], and that is his statement that this is a significant amendment. There is no question about it. If you want to take the innards out of this bill, if you want to emasculate its operation, if you want to take out of its scope about 85 percent of the waters of the United States, then adopt the amendment of the gentleman from Florida. If you agree with him that pollution is a uniquely local problem, you should vote with him. If, instead, you believe that the laws of gravity operate in our streams and on our waters and that pollution, once deposited in a stream, moves downstream, just as everything else does, and pollutes the people downstream, then you will say that it is not a uniquely local problem and we want to see all navigable waters in the United States covered by this program.

What are some of the shallow waters that the gentleman says he wants to keep out of this program? He says he wants to see that we do not affect these shallow streams. Let me name a few of them that would be excluded under his amendment if it is adopted. You will find them on page 8 of the report. They are, the greater part of the Great Lakes and their tributaries, the coastal waters of the Nation in their entirety, the Detroit River, most of the rivers and streams of Florida, all rivers, streams, lakes, and coastal waters of Alaska, Hawaii, and the Virgin Islands and Puerto Rico; international boundary streams such as the St. Lawrence, Niagara, lower Colorado, and Rio Grande Rivers. These are some of the shallow streams that the gentleman from Florida says represent uniquely local problems, purely intrastate problems, that the Federal Government should not be concerned about.

Mr. Chairman, if you want to see an effective program that covers the 26,000 bodies of water in the United States, that deals with the problem upon a national basis, that treats fairly the people of the 50 States, you will vote against his amendment. The gentleman would

give to the people of Alaska no opportunity to participate in this program. He would give to the people of Hawaii no opportunity to take part in it and be protected by it. He would limit it only to completely interstate situations involving navigable streams. Only there could this program be invoked.

We say let us take the standard of navigable streams or navigable waters. Ever since 1865 when the Supreme Court spoke clearly on this subject it has been established that the Federal Government has undisputed responsibility for navigable waters, not limited to navigation matters. We propose to take this longstanding principle and say we are going to take care of the problem of pollution on these navigable waters wherever we find them in the United States. There is nothing radical or revolutionary about this. It is facing up to the problem and facing up to it on a national basis. I say let us defeat the amendment offered by the gentleman from Florida and do a national job on a national problem.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Florida.

Mr. CRAMER. We both want to cure the problem of water pollution. With regard to the problem as to whether the Great Lakes are included in my amendment, the Great Lakes will not be taken out nor will any river forming any boundary between any two States, or coastal waters, which are excluded under present law, so the only thing excluded under my proposal would be streams flowing within the State that do not form part of the boundary between two States, which is true under present law covering streams which flow into certain waters. Alaska would be included because of its border with Canada. I am afraid the gentleman does not understand the amendment or its effect.

Mr. EDMONDSON. I decline to yield further to the gentleman. The gentleman has completely misstated and misrepresented the amendment, I am sure unintentionally. It is quite clear to us from a reading of the amendment offered by the gentleman that it would severely restrict the scope of this program.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I should like the record to be made clear that there are those of us who have been engaged in this whole matter for quite some time and there is no question in our minds what this amendment will do. What the gentleman is doing is trying to get this program down to the level of the weakest link, trying to have it operate on the lowest level. His amendment would only do this, that the enforcement section of this bill would apply to only about 4,000 bodies of water out of the 26,000 where this program is of importance.

I should like to refresh the gentleman's recollection, that at the 1960 Republican Convention when they adopted

the platform, in the section devoted to human needs and the subsection under the heading of health, they announced this pledge, that they are for strengthening Federal enforcement powers in abating pollution. I say the gentleman's proposal would weaken this. I hope the amendment is defeated. All it does is either constrict or restrict or obstruct or destruct. That is about all I can think the gentleman's amendment would do.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Florida.

Mr. CRAMER. With regard to the streams that would be included under this amendment, are not my remarks correct that the Great Lakes would continue to be included and that streams on boundaries would be added? There is no question about that.

Mr. BLATNIK. The gentleman's amendment would restrict it so that 80 percent of the waters would not be touched by enforcement. The gentleman gives the wrong impression. He says interstate streams would be subject to enforcement. You take the Missouri River, the shallows of the Missouri.

Mr. CRAMER. It crosses the State boundary; does it not?

Mr. BLATNIK. The Missouri is definitely an interstate stream and can be polluted from here to Kingdom Come on an intrastate basis, and there is nothing here in the enforcement section of existing law that can cause it to cease and desist unless you go downstream and prove that it came from a certain affluent.

Mr. CRAMER. There is nothing under my amendment which would prevent it from being done or to delete it; is there?

Mr. BLATNIK. Your amendment actually would prevent it.

Mr. CRAMER. It would not prevent it. It would permit enforcement on interstate streams and does not change the present situation when it comes to intrastate pollution. The gentleman knows that. It is specifically stated in my amendment, and I so state it on the floor, and if the gentleman will examine this language in the present bill, he will see that that is true.

Mr. BROOKS of Louisiana. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment, but actually I rise to clear up one point which I have already discussed to a limited extent. Of course, the committee knows I have always favored doing away with stream pollution, but on page 25 of the report, I read this language:

Thus, for all practical purposes, the new Federal enforcement provisions apply to all waters in every State.

I have an inquiry, Mr. Chairman, from a large plant which employs several thousand people. These people do use some chemicals and over the years they have developed at their own expense a lake or body of water which has been used largely for their own purposes and

to discharge some of the chemical wastes from that plant. It so happens that a portion of that water is located in Louisiana and part of it is in the State of Arkansas. I want to ask the gentleman this question: These people are disturbed about this bill. Is there anything in this bill that would make their situation worse than it is under the present law, and do they have any means of protecting themselves in a case of this sort where the work has been done at their own expense and with the tacit consent of the local people in the development of a waterway for one particular purpose, which is for the discharge of chemical wastes.

Mr. JONES of Alabama. The answer to the gentleman's inquiry is "No"—there is nothing in this bill that affects the situation you have just described.

Mr. BROOKS of Louisiana. The fact that you have this statement in the report here that this covers all waters in every State would not necessarily cover their body of water; would it?

Mr. JONES of Alabama. They are covered in the 1956 act which, of course, has been in operation since its enactment.

Mr. BROOKS of Louisiana. There is nothing then in this bill that would make conditions any more rigorous against that company?

Mr. JONES of Alabama. No, there is not.

Mr. CRAMER. Mr. Chairman, will the gentleman yield in answer to his question?

Mr. BROOKS of Louisiana. I yield to the gentleman from Florida.

Mr. CRAMER. I think the gentleman from Alabama and I have a little different opinion as to what the effect would be. It is quite obvious that the State's authority in joining with the Federal Government in cleaning up this particular stream would find that they would be substantially limited and restricted as compared to the situation under the present law. Assuming that it is an intrastate stream, the State would have nothing to say—and I will repeat it over and over again—the State would have nothing to say as to what kind of order the Secretary would issue ordering the local community to clean it up. The State has nothing to say if the local community refuses to obey the order as to whether the Federal Government shall go to the court and force it to carry out that order as they do under the present law, and I challenge the gentleman from Alabama to dispute that statement.

Mr. BROOKS of Louisiana. My understanding has been that under the present law the State is in the same position as it would be under this bill.

Mr. CRAMER. And I have explained why that would not be the case.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS of Louisiana. I yield to my distinguished friend the gentleman from Oklahoma.

Mr. EDMONDSON. The statement of the gentleman from Florida that the States have nothing to do with the pro-

cedures under this revised bill is absolutely incorrect. The States participate in initiating the case; the States participate in the hearing boards; they name a member of the hearing board which makes the recommendation on which the Secretary acts. So it is an absolutely inaccurate statement to make in this House.

Mr. BROOKS of Louisiana. Would I be correct in saying that this particular plant would be just as well protected under this bill as it is under the present law?

Mr. EDMONDSON. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. CRAMER) there were—ayes 70, nays 151.

So the amendment was rejected.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution, pursuant to House Resolution 274, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule the previous question is ordered.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3935) entitled "An act to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in commerce or in the production of goods for commerce, to increase the minimum wage under the act to \$1.25 an hour, and for other purposes.

FAIR LABOR STANDARDS AMENDMENTS OF 1961

Mr. POWELL. Mr. Speaker, I call up the conference report on the bill (H.R. 3935) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in commerce or in the production of goods for commerce, to increase the minimum wage under the act to \$1.25 an hour, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of May 2 1961.)

Mr. POWELL. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, on April 25, Mr. ROOSEVELT, Mr. DENT, Mr. KEARNS, Mr. AYRES and I, as the conferees designated by the Speaker on H.R. 3935, met with the nine Members of the other body who were similarly designated. Before us was the task of reconciling the differences which appeared in the measures adopted in the House and in the Senate.

During the course of the conference, the House managers were always sensitive to the views expressed by Members of this body during our full debate on H.R. 3935. In fact, the conference almost foundered because of the adamancy of our views on several matters. The Senate conferees were determined to preserve coverage of the laundry industry, as they had proposed in their bill. The special provisions with regard to shade-grown tobacco, cotton ginning, and transporting fruits and vegetables to market could have been lost if the sentiments of many of the conferees were followed. No one who fully participated in all of our deliberations can factually refute this statement.

We were particularly sensitive to the views expressed by Members of this body with regard to the treatment of newly covered employees. We knew that the imposition of a new wage standard and overtime requirements within a short period of time, as provided in the Senate bill, would be contrary to the views expressed in this Chamber by many Members. For that reason a realistically long period of adjustment for both the wage and hour requirements were demanded of the Senate conferees and they acceded in the conference report before you. You will note that a \$1 minimum wage is required for the first 3 years and no overtime requirement until the third year.

Mindful of the constitutional question raised by certain House Members, we believe that a minimum of \$250,000 goods from out of the State per store and a \$1 million sales test per chain represents a policy determination by the conferees which draws an equitable line between large enterprises and small ones, without discrimination against smaller operations due to the chance location of their branches in two or more States.

Those who will speak in opposition to this report, will attempt to discredit the labors of your conferees by implying that there was an overwhelming eagerness on the part of the House Managers to recede in favor of the bill adopted by the Senate. I will just note at this point that on a vast majority of the substantive provisions of the bills before the conferees, all of the House and Senate conferees, Democrat and Republican alike, voted unanimously 21 times to adopt the language. On items in dispute, both the House and the Senate had to recede an equal number of times or only six each. This subject will be discussed in greater detail by Congressman ROOSEVELT. Never during the conference

did the sponsor of the substitute measure that passed the House attempt to persuade the conferees that the provisions of the measure which he cosponsored deserved consideration and support.

The conference report now before you simply seeks to match the protections afforded by the Congress in 1938 in the original act with the demands and needs of the 1960's. The report on which you are going to vote contains many of the concepts and features recommended to this Congress by the President, and I believe that it has his wholehearted endorsement and support. It is a moderate bill. It is a modest bill. It is a step forward in providing minimum living standards and decent working hours for less fortunate breadwinners who cannot achieve these standards through their own efforts.

President Kennedy, as a Senator in the 86th Congress, said, "Conscience and good business sense join in demanding the enactment of this measure." He was speaking of the need for new wage-hour legislation last year. A majority of your conferees endorse this statement and stress its import and timeliness this year. We urge you to support this conference report which we have presented.

I shall have further remarks at the conclusion of this 1 hour of debate.

Mr. Speaker, at this time I yield 30 minutes to the gentleman from Pennsylvania [Mr. KEARNS], the distinguished minority member of the House Committee on Education and Labor.

Mr. KEARNS. I thank the gentleman.

Mr. Speaker, I yield 10 minutes to the distinguished minority leader of the House, the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, I think it ought to be understood first of all that the matter we are here discussing has been before the House of Representatives from time to time in past years. At the outset I want to say, so that we shall not subsequently hear something different, that I have supported these increases in minimum wages and extensions of coverage through the years, as have, I would say, most of the Members on both sides of the aisle.

Last year, on the recommendation of President Eisenhower and the Secretary of Labor, we adopted here after considerable controversy, a bill providing for an increase in the minimum wage of 15 cents and holding fast to the interstate-commerce concept in respect to coverage. We voted for that bill. The other body passed a different bill and the bill died in conference.

This year the committee reported another bill. It provided for a 15-cent increase immediately and going to 25 cents 2 years and 4 months later, known as the escalator clause, which, as I understand it, is the administration proposal. Then it substituted for the interstate-commerce concept, in which we believe, the dollar-volume concept. When that finally came on for a vote, the House here, first in the committee, adopted the substitute offered by the gentleman from Ohio [Mr. AYRES], and then when the vote came on that in the House it was

existing temporary judges permanent, while the House only made three such judgeships permanent.

In the conference report 10 new additional circuit judges are created; 61 additional permanent district judgeships are created, and 2 additional temporary district judgeships. Thus, 73 new judgeships are created by the conference report. In addition, the report provides for the making permanent of four existing temporary district judgeships.

EMANUEL CELLER,
PETER W. RODINO, Jr.,
BYRON G. ROGERS,
LESTER HOLTZMAN,
HAROLD D. DONOHUE,
HERMAN TOLL,
WILLIAM M. McCULLOCH,

Managers on the Part of the House.

FEDERAL-AID HIGHWAY BILL

Mr. TRIMBLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 275, Rept. No. 343) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6713) to amend certain laws relating to Federal-aid highways, to make certain adjustments in the Federal-aid highway program, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed six hours, three hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, and three hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments shall be in order to title I of the bill except amendments offered by direction of the Committee on Public Works, and no amendments shall be in order to title II of the bill except amendments offered by direction of the Committee on Ways and Means, which shall be in order notwithstanding any rule of the House to the contrary, but any such amendments shall not be subject to amendment. At the conclusion of the consideration of the bill, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961

The SPEAKER. The unfinished business is the further consideration of the bill H.R. 6441, which the Clerk will report by title.

The Clerk reported the title of the bill.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. CRAMER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRAMER. I am, sir.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. CRAMER moves to recommit the bill, H.R. 6441, to the Committee on Public Works, with instructions to report the same back to the House with the following amendments: One page 6, line 6, strike out the period and insert in lieu thereof a comma and the following: "and such subsection (b) is further amended by adding at the end thereof the following new sentence:

"If the total of all appropriations, made under authority of this section, for any fiscal year which begins after June 30, 1964, exceed \$50,000,000, no grant shall be made for any project from that portion of the appropriation in excess of \$50,000,000 which is allocated to any State unless such State shall pay toward the cost of such project an amount equal to the Federal contribution made to such project from such amount in excess of \$50,000,000.""; and on page 7, lines 2 and 3, strike out "\$100,000,000" and insert in lieu thereof "\$75,000,000"; and on line 4, strike out "\$1,000,000,000" and insert in lieu thereof "\$750,000,000"; and on page 8, line 10, after "of" insert "interstate".

Mr. CRAMER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. CRAMER. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 165, nays 256, not voting 12, as follows:

[Roll No. 47]

YEAS—165

Abbltt	Devine	MacGregor
Adair	Dole	Mailliard
Alexander	Dominick	Martin, Mass.
Alger	Dorn	Martin, Nebr.
Andersen,	Dowdy	Mason
Minn.	Downing	Mathias
Anderson, III.	Dulski	May
Arends	Durno	Meador
Ashbrook	Dwyer	Michel
Ashmore	Ellsworth	Miller, N.Y.
Auchincloss	Fisher	Minshall
Avery	Ford	Moore
Ayres	Frelinghuysen	Moorehead,
Barry	Garland	Ohio
Bass, N.H.	Glenn	Morse
Bates	Goodell	Mosher
Battin	Griffin	Nelsen
Becker	Gross	Norblad
Beermann	Gubser	Nygaard
Belcher	Haley	Osmers
Bell	Hall	Ostertag
Berry	Halleck	Pelly
Betts	Harrison, Va.	Pillion
Bolton	Harrison, Wyo.	Pirnie
Bow	Harsha	Poff
Bray	Harvey, Ind.	Quile
Bromwell	Harvey, Mich.	Ray
Brooks, La.	Hiestand	Rhodes, Ariz.
Brown	Hoeven	Riehlman
Broyhill	Hoffman, Ill.	Robison
Bruce	Hoffman, Mich.	Rogers, Tex.
Burleson	Horan	Roudebush
Byrnes, Wis.	Hosmer	Rousselot
Cahill	Jensen	St. George
Cederberg	Johansen	Schadeberg
Chamberlain	Jonas	Schenck
Chenoweth	Judd	Scherer
Chipfield	Keith	Schneebeli
Church	Kilburn	Schweiker
Clancy	King, N.Y.	Schwengel
Collier	Kitchin	Scranton
Colmer	Knox	Short
Cramer	Laird	Shriver
Cunningham	Langen	Sibler
Curtis, Mass.	Latta	Smith, Calif.
Curtis, Mo.	Lindsay	Smith, Va.
Dague	Lipscomb	Springer
Davis,	McCulloch	Taber
James C.	McDonough	Teague, Calif.
Derounian	McIntire	Teague, Tex.
Derwinski	McVey	Thomson, Wis.

Tollefson
Tuck
Utt
Van Pelt
Wallhauser

Weaver
Wels
Westland
Whalley
Whitener

Widnall
Williams
Wilson, Calif.
Wilson, Ind.
Younger

NAYS—256

Abernethy	Granahan	Nix
Addabbo	Grant	Norrell
Addonizio	Gray	O'Brien, Ill.
Albert	Green, Oreg.	O'Brien, N.Y.
Alford	Griffiths	O'Hara, Ill.
Andrews	Hagen, Calif.	O'Hara, Mich.
Anfuso	Halpern	O'Konski
Ashley	Hansen	Olsen
Asplnall	Harding	O'Neill
Balley	Hardy	Patman
Baker	Harris	Perkins
Baldwin	Hays	Peterson
Baring	Healey	Pfost
Barrett	Hébert	Philbin
Bass, Tenn.	Hechler	Pike
Beckworth	Hemphill	Pilcher
Bennett, Fla.	Henderson	Poage
Bennett, Mich.	Herlong	Powell
Blatnik	Holifield	Price
Blich	Holland	Pucinski
Boggs	Holtzman	Rabaut
Boland	Huddleston	Rains
Bolling	Hull	Randall
Bonner	Ichord, Mo.	Reifel
Boykin	Ikard, Tex.	Reuss
Brademas	Inouye	Rhodes, Pa.
Breeding	Jarman	Rivers, Alaska
Brewster	Jennings	Rivers, S.C.
Brooks, Tex.	Joelson	Roberts
Buckley	Johnson, Calif.	Rodino
Burke, Ky.	Johnson, Md.	Rogers, Colo.
Burke, Mass.	Johnson, Wis.	Rogers, Fla.
Byrne, Pa.	Jones, Ala.	Rooney
Cannon	Jones, Mo.	Roosevelt
Carey	Karsten	Rostenkowski
Casey	Karth	Rutherford
Chelf	Kastenmeier	Ryan
Clark	Kee	St. Germain
Coad	Kelly	Santangelo
Cohelan	Keogh	Saund
Conte	Kilday	Saylor
Cook	Kilgore	Scott
Cooley	King, Calif.	Seely-Brown
Corbett	King, Utah	Selden
Corman	Kirwan	Shelley
Curtin	Kluczynski	Sheppard
Daddario	Kornegay	Shipley
Daniels	Kowalski	Sikes
Davis, John W.	Kyl	Sisk
Davis, Tenn.	Landrum	Slack
Dawson	Lane	Smith, Iowa
Delaney	Lankford	Smith, Miss.
Dent	Lennon	Spence
Denton	Lesinski	Stafford
Diggs	Libonati	Staggers
Dingell	Loser	Steed
Donohue	McCorinack	Stephens
Dooley	McDowell	Stratton
Doyle	McFall	Stubblefield
Edmondson	McMillan	Sullivan
Elliott	Macdonald	Taylor
Everett	Mack	Thomas
Evins	Madden	Thompson, La.
Fallon	Magnuson	Thompson, N.J.
Farbstein	Mahon	Thompson, Tex.
Fascell	Marshall	Thornberry
Feighan	Matthews	Toll
Fenton	Morrow	Trimble
Finnegan	Miller, Clem	Tupper
Fino	Miller,	Ullman
Flood	George P.	Vanik
Flynt	Milliken	Van Zandt
Fogarty	Mills	Vinson
Forrester	Moeller	Walter
Fountain	Monagan	Watts
Frazier	Montoya	Wharton
Friedel	Moorehead, Pa	Whitten
Fulton	Morgan	Wickersham
Gallagher	Morris	Willis
Garmatz	Morrison	Winstead
Gary	Moss	Wright
Gathings	Moulder	Yates
Gavin	Multer	Young
Glaimo	Murphy	Zablocki
Gilbert	Murray	Zelenko
Goodling	Natcher	

NOT VOTING—12

Broomfield	Hagan, Ga.	Passman
Celcer	Kearns	Riley
Findley	McSween	Siler
Green, Pa.	Machrowicz	

So the motion to recommit was rejected.

The Clerk announced the following pairs.

Mr. McSween with Mr. Siler.

Mr. Riley with Mr. Kearns.
Mr. Hagen of Georgia with Mr. Broomfield.
Mr. Green of Pennsylvania with Mr. Findley.

Mr. McDONOUGH changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. BLATNIK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 307, nays 110, not voting 16, as follows:

[Roll No. 48]

YEAS—307

Abernethy	Fascell	Lankford
Addabbo	Feighan	Latta
Addonizio	Fenton	Lennon
Albert	Finnegan	Lesinski
Alexander	Fino	Libonati
Alford	Flood	Lindsay
Andersen,	Flynt	Loser
Minn.	Fogarty	McCormack
Andrews	Forrester	McDowell
Ashley	Fountain	McFall
Aspinall	Frazier	McMillan
Auchincloss	Frelinghuysen	McVey
Bailey	Friedel	Macdonald
Baker	Fulton	MacGregor
Baldwin	Gallagher	Mack
Baring	Garland	Madden
Barrett	Garmatz	Magnuson
Barry	Gary	Mahon
Bass, N.H.	Gathings	Mailliard
Bass, Tenn.	Gavin	Marshall
Beckworth	Gialmo	Martin, Mass.
Bennett, Fla.	Gilbert	Mathias
Bennett, Mich.	Glenn	Matthews
Blatnik	Goodling	May
Blich	Granahan	Marrow
Boggs	Gray	Miller, Clem
Boland	Green, Oreg.	Miller,
Bolling	Griffin	George P.
Bonner	Griffiths	Milliken
Boykin	Hagen, Calif.	Mills
Brademas	Haley	Minshall
Bray	Hall	Moeller
Breeding	Halpern	Monagan
Brewster	Hansen	Montoya
Brooks, La.	Hardy	Moore
Brooks, Tex.	Harris	Moorhead, Pa.
Buckley	Harrison, Wyo.	Morgan
Burke, Ky.	Harvey, Mich.	Morris
Burke, Mass.	Hays	Morrison
Byrne, Pa.	Healey	Morse
Cahill	Hébert	Mosher
Cannon	Hechler	Moss
Carey	Henderson	Moulder
Chamberlain	Herlong	Multer
Chelf	Hollfield	Murphy
Chenoweth	Holland	Natcher
Clark	Holtzman	Nelsen
Coad	Horan	Nix
Cohelan	Hosmer	Norblad
Conte	Huddleston	Norrell
Cook	Hull	Nygaard
Cooley	Ichord, Mo.	O'Brien, Ill.
Corbett	Ikard, Tex.	O'Brien, N.Y.
Corman	Inouye	O'Hara, Ill.
Curtin	Jarman	O'Hara, Mich.
Daddario	Jennings	O'Konski
Daniels	Joelsen	Olsen
Davis, John W.	Johnson, Calif.	O'Neill
Davis, Tenn.	Johnson, Md.	Ostertag
Dawson	Johnson, Wis.	Patman
Delaney	Jones, Ala.	Pelly
Dent	Jones, Mo.	Perkins
Denton	Karsten	Peterson
Derwinski	Karsh	Pfost
Diggs	Kastenmeier	Philbin
Dingell	Kee	Pike
Dominick	Kelly	Pilcher
Donohue	Keogh	Pirnie
Dooley	Kilday	Poage
Downing	King, Calif.	Powell
Doyle	King, Utah	Price
Durno	Kirwan	Pucinski
Dwyer	Kluczynski	Quile
Edmondson	Knox	Rabaut
Elliott	Kornegay	Rains
Ellsworth	Kowalski	Randall
Everett	Kyl	Reifel
Evins	Landrum	Reuss
Fallon	Lane	Rhodes, Pa.
Farbstein	Langen	Riehlman

Rivers, Alaska
Rivers, S.C.
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney
Roosevelt
Rostenkowski
Rutherford
Ryan
St. Germain
Santangelo
Saund
Saylor
Schweiker
Scott
Scranton
Seely-Brown
Selden
Shelley
Sheppard
Shipley

Shriver
Sibal
Sikes
Sisk
Slack
Smith, Iowa
Smith, Miss.
Spence
Springer
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Thomas
Thompson, La.
Thompson, N.J.
Thompson, Tex.
Thornberry
Thornberry

Toll
Tollefson
Trimble
Tupper
Ullman
Vanik
Van Zandt
Vinson
Wallhauser
Walter
Watts
Weis
Whalley
Wharton
Whitten
Wickersham
Widnall
Willis
Wright
Yates
Young
Zablocki
Zelenko

NAYS—110

Abblitt	Derounian	Miller, N.Y.
Adair	Devine	Moorehead,
Alger	Dole	Ohio
Anderson, Ill.	Dorn	Murray
Arends	Dowdy	Osmers
Ashbrook	Dulski	Pillion
Ashmore	Fisher	Poff
Avery	Ford	Ray
Ayres	Goodell	Rhodes, Ariz.
Bates	Gross	Robison
Battin	Gubser	Rogers, Tex.
Becker	Hallock	Roudebush
Beermann	Harrison, Va.	Rousselot
Belcher	Harsha	St. George
Bell	Harvey, Ind.	Schadeberg
Berry	Hemphill	Schenck
Betts	Hicstand	Scherer
Bolton	Hoeven	Schneebeli
Bow	Hoffman, Ill.	Schwengel
Bromwell	Hoffman, Mich.	Short
Brown	Jensen	Smith, Calif.
Broyhill	Johansen	Smith, Va.
Bruce	Jonas	Taber
Burleson	Judd	Teague, Calif.
Byrnes, Wis.	Keith	Teague, Tex.
Casey	Kilburn	Tuck
Cederberg	Kilgore	Utt
Chiperfield	King, N.Y.	Van Pelt
Church	Kitchin	Weaver
Clancy	Laird	Westland
Collier	Lipscomb	Whitener
Colmer	McCulloch	Williams
Cramer	McDonough	Wilson, Calif.
Cunningham	McIntire	Wilson, Ind.
Curtis, Mass.	Martin, Nebr.	Winstead
Curtis, Mo.	Meader	Younger
Dague	Michel	
Davis,		
James C.		

NOT VOTING—16

Anfuso	Green, Pa.	Machrowicz
Broomfield	Hagan, Ga.	Mason
Celler	Harding	Passman
Findley	Kearns	Riley
Grant	McSween	Siler

So the bill was passed.

The Clerk announced the following pairs:

Mr. McSween with Mr. Mason.
Mr. Passman with Mr. Siler.
Mr. Riley with Mr. Broomfield.
Mr. Hagan of Georgia with Mr. Kearns.
Mr. Green of Pennsylvania with Mr. Findley.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 6441.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

THE FIRST HUNDRED DAYS OF THE KENNEDY ADMINISTRATION

(Mr. COAD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. COAD. Mr. Speaker, there has been much comment this week on the history of the Kennedy administration, and its critics are far more glib in reviewing its hundred days than in discussing the 8 weeks which preceded them.

A variety of interesting comparisons could be made, but I shall draw just one contrast between the hundred days and the 8 years—and do it in the field of agriculture.

After 8 years of talk about problems and no action on solutions—after 8 years of administrative veto response to the promise of progress through the Congress—we have in less than a hundred days witnessed dynamic, positive movement toward supply adjustment and income improvement in agriculture.

We have seen farmer-administration of farm programs, dormant for many years, reactivated.

We have seen floors raised under farm prices.

We have seen farmer apathy replaced by farmer interest as meetings on the feed-grains program drew audiences numbering high in the hundreds and producers stood in long lines to sign up for program participation. In that connection I would point out that farmers do not turn out for meetings or stand in line to be regimented—not American farmers.

We have seen the President and his Secretary of Agriculture submit to the Congress a comprehensive program that will make possible an all-out attack on the total farm problem and at the same time guard the interests of consumers at home and abroad.

We have an administration that spotlights agriculture as a national asset rather than a burdensome taxpayer responsibility.

The first hundred days have been good days for American agriculture—days of appreciation, days of action and days of constructive results. Measuring them against the preceding years, it is highly doubtful that any farmer would want to turn backward and retrace the path.

POLAND AND ITS CONSTITUTION

(Mrs. CHURCH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHURCH. Mr. Speaker, to the people of Poland and Polish communities throughout the world, this day, May 3, holds sacred significance. It was on this day, 170 years ago, that the Polish Diet adopted one of the first European constitutions providing a democratic form of government.

Inspired by the historic ideals of a people that have fought for their freedom throughout the centuries, this constitution brought economic, social, and political reforms that were destined to make Poland one of the bastions of

87TH CONGRESS
1ST SESSION

H. R. 6441

IN THE SENATE OF THE UNITED STATES

MAY 4 (legislative day, MAY 3), 1961

Read twice and referred to the Committee on Public Works

AN ACT

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) the last sentence of section 1 (a) of the Fed-
4 eral Water Pollution Control Act (33 U.S.C. 466 (a)) is
5 amended to read as follows: "To this end, the Secretary of
6 Health, Education, and Welfare (hereinafter in this Act
7 called the 'Secretary') shall administer this Act."

8 (b) Section 1 (b) of such Act is amended to read as
9 follows:

10 “(b) Nothing in this Act shall be construed as impairing
11 or in any manner affecting any right or jurisdiction of the

1 States with respect to the waters of such States, including
2 but not limited to the power, authority, and jurisdiction of
3 such States to enforce State water pollution control laws and
4 regulations.”

5 (c) Sections 2, 3, 4, 5, 6, and 7 and the first sentence
6 of section 10 (a) of such Act are each amended by striking
7 out “Surgeon General” and “Surgeon General’s” wherever
8 they appear therein and inserting in lieu thereof “Secretary”
9 and “Secretary’s”, respectively.

10 (d) Sections 4 (a) and 7 (c) of such Act are each
11 amended by striking out “Public Health Service” and in-
12 serting in lieu thereof “Department of Health, Education,
13 and Welfare”.

14 (e) Sections 7 (a) (2) (B) and 10 (b) are each
15 amended by striking out “Secretary of Health, Education,
16 and Welfare” and inserting in lieu thereof “Secretary”.

17 (f) Section 10 (a) of such Act is amended by striking
18 out the second and third sentences thereof.

19 SEC. 2. (a) Subsection (a) of section 4 of the Federal
20 Water Pollution Control Act is amended by striking out in
21 paragraph (4) thereof the following: “: *Provided*, That the
22 total sum authorized to be appropriated for any fiscal year
23 for fellowships pursuant to this subparagraph shall not ex-
24 ceed \$100,000”.

1 (b) Section 4 is further amended by adding at the
2 end thereof the following new subsections:

3 “(d) The Secretary shall establish, equip, and maintain
4 field laboratory and research facilities, including, but not lim-
5 ited to, one to be located in the northeastern area of the
6 United States, one in the Middle Atlantic area, one in the
7 southeastern area, one in the midwestern area, one in the
8 southwestern area, one in the Pacific Northwest, and one in
9 the State of Alaska, for the conduct of research, investiga-
10 tions, experiments, field demonstrations and studies, and
11 training relating to the prevention and control of water pol-
12 lution. Insofar as practicable, each such facility shall be
13 located near institutions of higher learning in which graduate
14 training in such research might be carried out.

15 “(e) The Secretary shall conduct research and techni-
16 cal development work, and make studies, with respect to
17 the quality of the waters of the Great Lakes, including an
18 analysis of the present and projected future water quality
19 of the Great Lakes under varying conditions of waste treat-
20 ment and disposal, an evaluation of the water quality needs
21 of those to be served by such waters, an evaluation of munici-
22 pal, industrial, and vessel waste treatment and disposal prac-
23 tices with respect to such waters, and a study of alternate
24 means of solving water pollution problems (including addi-

1 tional waste treatment measures) with respect to such
2 waters.”

3 SEC. 3. (a) Subsection (a) of section 5 of the Federal
4 Water Pollution Control Act is amended by inserting im-
5 mediately following “June 30, 1961, \$3,000,000” the fol-
6 lowing: “, and for each succeeding fiscal year to and in-
7 cluding the fiscal year ending June 30, 1971, \$5,000,000”.

8 (b) Subsection (f) of section 5 of the Federal Water
9 Pollution Control Act is amended by striking out “and” at
10 the end of paragraph (4) thereof, by striking out the period
11 at the end of paragraph (5) thereof and inserting in lieu
12 thereof the following: “; and” and by adding after such
13 paragraph (5) the following new paragraph:

14 “(6) sets forth the criteria used by the State in
15 determining priority of projects as provided in section
16 6 (b) (4).”

17 SEC. 4. (a) Subsection (b) (2) of section 6 of the
18 Federal Water Pollution Control Act is amended to read as
19 follows: “(2) no grant shall be made for any project in an
20 amount exceeding whichever of the following is the smaller:

21 (A) \$800,000, or (B) the total of 30 per centum of the first
22 \$1,000,000 of the reasonable cost of the project as deter-
23 mined by the Secretary, plus 15 per centum of the next
24 \$2,000,000 of such cost, plus 10 per centum of the remainder
25 of such cost: *Provided*, That the grantee agrees to pay the

1 remaining cost: *Provided further*, That in the case of a
2 project which will serve more than one municipality (A)
3 the Secretary shall, on such basis as he determines to be
4 reasonable and equitable, allocate to each municipality to be
5 served by such project its share of the estimated reasonable
6 cost of such project, and shall then apply the foregoing
7 limitations in this clause to each such share as if it were a
8 separate project to determine the maximum amount of any
9 grant which may be made under this section with respect to
10 each such share, and the total of all the amounts so deter-
11 mined or \$2,400,000, whichever is the smaller, shall be the
12 maximum amount of the grant which may be made under
13 this section on account of such project, and (B) for purposes
14 of the limitation in the last sentence of subsection (d), the
15 share of each municipality so determined shall be regarded as
16 a grant for the construction of treatment works”.

17 (b) Subsection (b) of such section is further amended
18 by striking out “and” after clause (3) and by inserting
19 before the period at the end of clause (4): “; and (5)
20 no grant shall be made for any project under this section
21 in any State in an amount exceeding \$250,000 until a grant
22 has been made thereunder for each project (A) for which
23 an application was filed with the appropriate State water
24 pollution control agency prior to the date of enactment of
25 this clause and (B) which the Secretary determines met

1 the requirements of this section and regulations thereunder
2 as in effect prior to such date of enactment”.

3 (c) The third sentence of subsection (c) of such section
4 is amended by striking out the final period and inserting in
5 lieu thereof the following: “, except that any such allotment
6 which is not obligated within six months following the end
7 of the fiscal year for which it was made because of a lack
8 of projects which have been approved under subsection
9 (b) (1) of this section, or certified as entitled to priority
10 under subsection (b) (4) of this section, shall be reallocated
11 by the Secretary, on such basis as he determines to be rea-
12 sonable and equitable and in accordance with regulations
13 promulgated by him. Any amount made available to a State
14 by reallocations under the preceding sentence shall be in
15 addition to amounts otherwise allotted to such State under
16 this section, and shall be available for payments with respect
17 to projects in such State which have been approved under
18 this section prior to the close of the fiscal year following the
19 year for which the original allotment was made.”

20 (d) Subsection (d) of such section is amended by strik-
21 ing out “\$50,000,000” and inserting in lieu thereof “\$100,-
22 000,000”, and by striking out “\$500,000,000” and insert-
23 ing in lieu thereof “\$1,000,000,000”.

1 (e) Such section is further amended by adding at the
2 end thereof the following new subsection:

3 “(f) The Secretary shall take such action as may
4 be necessary to insure that all laborers and mechanics em-
5 ployed by contractors or subcontractors on projects for which
6 grants are made under this section shall be paid wages at
7 rates not less than those prevailing on the same type of work
8 on similar construction in the immediate locality, as deter-
9 mined by the Secretary of Labor, in accordance with the Act
10 of March 3, 1931, as amended, known as the Davis-Bacon
11 Act (46 Stat. 1494; 40 U.S.C. 276a through 276a-5).”

12 SEC. 5. (a) The first sentence of subsection (a) (1)
13 of section 7 of the Federal Water Pollution Control Act
14 is amended to read as follows: “There is hereby established
15 in the Department of Health, Education, and Welfare, a
16 Water Pollution Control Advisory Board, composed of the
17 Secretary or his designee, who shall be chairman, and nine
18 members appointed by the President, none of whom shall be
19 Federal officers or employees.”

20 (b) The first sentence of subsection (a) (2) (A) of
21 such section 7 is amended by inserting before the period at
22 the end thereof: “, and (iii) the term of any member under
23 the preceding provisions shall be extended until the date
24 on which his successor’s appointment is effective”.

1 SEC. 6. Section 8 of the Federal Water Pollution Con-
2 trol Act is amended to read as follows:

3 "ENFORCEMENT MEASURES AGAINST POLLUTION OF
4 NAVIGABLE WATERS

5 “SEC. 8. (a) The pollution of navigable waters in or
6 adjacent to any State or States (whether the matter causing
7 or contributing to such pollution is discharged directly into
8 such waters or reaches such waters after discharge into a
9 tributary of such waters), which endangers the health or
10 welfare of any persons, shall be subject to abatement as
11 provided in this Act.

“(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of navigable waters shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a final order issued in accordance with subsection (e) of this section or a court order under subsection (g) of this section.

19 “(c) (1) Whenever requested by the Governor of any
20 State, a State water pollution control agency, or (with
21 the concurrence of the State water pollution control agency
22 for the State in which the municipality is situated) the gov-
23 erning body of any municipality, the Secretary shall, if such
24 request refers to pollution of navigable waters which is en-
25 dangering the health or welfare of persons in a State other

1 than that in which the discharge or discharges (causing or
2 contributing to such pollution) originates, give formal notifi-
3 cation thereof to the water pollution control agency and in-
4 terstate agency, if any, of the State or States where such
5 discharge or discharges originate and shall call promptly
6 a conference of such agency or agencies and of the State
7 water pollution control agency and interstate agency, if
8 any, of the State or States, if any, which may be adversely
9 affected by such pollution. Whenever requested by the Gov-
10 ernor of any State, a State water pollution control agency,
11 or (with the concurrence of the State water pollution
12 control agency for the State in which the municipality is
13 situated) the governing body of any municipality, the Sec-
14 retary shall, if such request refers to pollution of navigable
15 waters which is endangering the health or welfare of per-
16 sons only in the requesting State in which the discharge or
17 discharges (causing or contributing to such pollution) origi-
18 nates, give formal notification thereof to the water pollution
19 control agency and interstate agency, if any, of the request-
20 ing State where such discharge or discharges originate and
21 shall promptly call a conference of such agency or agencies
22 and of the State water pollution control agency and inter-
23 state agency, if any, of the requesting State, unless, in the
24 judgment of the Secretary, the effect of such pollution on

1 the legitimate uses of the waters is not of such significance
2 to warrant exercise of Federal jurisdiction under this section.

3 The Secretary shall also call such a conference whenever, on
4 the basis of reports, surveys, or studies, he has reason to
5 believe that any pollution referred to in subsection (a) and
6 endangering the health or welfare of persons in a State other
7 than that in which the discharge or discharges originate is
8 occurring.

9 “(2) The agencies called to attend such conference may
10 bring such persons as they desire to the conference. Not
11 less than three weeks’ prior notice of the conference date
12 shall be given to such agencies.

13 “(3) Following this conference, the Secretary shall
14 prepare and forward to all the water pollution control agen-
15 cies attending the conference a summary of conference
16 discussions including (A) occurrence of pollution of navi-
17 gable waters subject to abatement under this Act; (B)
18 adequacy of measures taken toward abatement of the pollu-
19 tion; and (C) nature of delays, if any, being encountered
20 in abating the pollution.

21 “(d) If the Secretary believes, upon the conclusion of
22 the conference or thereafter, that effective progress toward
23 abatement of such pollution is not being made and that the
24 health or welfare of any persons is being endangered, he shall
25 recommend to the appropriate State water pollution control

1 agency that it take necessary remedial action. The Sec-
2 retary shall allow at least six months from the date he makes
3 such recommendations for the taking of such recommended
4 action.

5 “(e) If, at the conclusion of the period so allowed, such
6 remedial action is not taken or action which in the judg-
7 ment of the Secretary is reasonably calculated to secure
8 abatement of such pollution is not taken, the Secretary shall
9 call a public hearing, to be held in or near one or more of the
10 places where the discharge or discharges causing or con-
11 tributing to such pollution originated, before a Hearing Board
12 of five or more persons appointed by the Secretary. Each
13 State in which any discharge causing or contributing to such
14 pollution originates and each State claiming to be adversely
15 affected by such pollution shall be given an opportunity to
16 select one member of the Hearing Board and at least one
17 member shall be a representative of the Department of Com-
18 merce, and not less than a majority of the Hearing Board
19 shall be persons other than officers or employees of the De-
20 partment of Health, Education, and Welfare. At least
21 three weeks' prior notice of such hearing shall be given to
22 the State water pollution control agencies and interstate
23 agencies, if any, called to attend the aforesaid hearing and
24 the alleged polluter or polluters. On the basis of the evi-
25 dence presented at such hearing, the Hearing Board shall

1 make findings as to whether pollution referred to in sub-
2 section (a) is occurring and whether effective progress to-
3 ward abatement thereof is being made. If the Hearing
4 Board finds such pollution is occurring and effective progress
5 toward abatement is not being made it shall make recom-
6 mendations to the Secretary concerning the measures, if any,
7 which it finds to be reasonable and equitable to secure abate-
8 ment of such pollution. Such findings and recommendations
9 shall be the findings and recommendations of the Secretary
10 except to the extent, on the basis of the evidence at such
11 hearing, he believes additional or different findings or recom-
12 mendations are warranted. The Secretary shall send his
13 findings and recommendations to the person or persons dis-
14 charging any matter causing or contributing to such pollu-
15 tion, together with an order specifying a reasonable time, but
16 not less than six months from the date of issuance of such
17 order, to secure abatement of such pollution in accordance
18 with such findings and recommendations. Such order shall
19 become final on the sixtieth day after the date of its issuance
20 unless an appeal is taken as provided in subsection (f).
21 The Secretary shall also send a copy of such findings and
22 recommendations and such order to the water pollution con-
23 trol agencies and interstate agencies, if any, attending the
24 hearings as a party of record.

25 “(f) An appeal may be taken from any such order of

1 the Secretary by any person who has been made subject to
2 such order to the United States court of appeals for the cir-
3 cuit in which any discharge or discharges causing or con-
4 tributing to the pollution subject to abatement by such order
5 originates by filing with such court a notice of appeal within
6 sixty days from the date of issuance of the order. The juris-
7 diction of the court shall attach upon the filing of such notice.
8 A copy of such notice shall forthwith be transmitted by the
9 clerk of the court to the Secretary or any officer designated
10 by him for that purpose and to any other person who re-
11 ceived a copy of the Secretary's order. The Secretary shall
12 thereupon file in the court the record of the proceedings be-
13 fore the Hearing Board as provided in section 2112 of title
14 28, United States Code, together with his findings of fact
15 and recommendations. Such findings of the Secretary, if
16 supported by substantial evidence when considered on the
17 record as a whole, shall be conclusive, but the court for good
18 cause shown may remand the case to the Secretary for the
19 taking of additional evidence in such manner and upon such
20 terms and conditions as the court may deem proper. The
21 Secretary may thereupon make or cause to be made new or
22 modified findings of fact and recommendations, and he shall
23 file with the court the record of such further proceedings,
24 the new or modified findings and recommendations, and his
25 recommendations, if any, for the setting aside or modifica-

1 tion of his original order. Such new or modified findings
2 shall likewise be conclusive if supported by substantial
3 evidence when considered on the record as a whole.

4 “(g) Upon the basis of the record of the proceedings
5 filed with it, the court shall have jurisdiction to enter an
6 order affirming or setting aside, in whole or in part, the
7 order of the Secretary. The judgment of the court shall be
8 final, subject to review by the Supreme Court of the United
9 States upon certiorari or certification as provided in section
10 1254 of title 28 of the United States Code.

11 “(h) The United States district courts shall have juris-
12 diction of any civil action brought by the Attorney General
13 at the request of the Secretary to enforce any order issued
14 under this section by the Secretary, or by a United States
15 court of appeals.

16 “(i) Members of any Hearing Board appointed pur-
17 suant to subsection (c) who are not regular full-time officers
18 or employees of the United States shall, while participating
19 in the hearing conducted by such Board or otherwise
20 engaged on the work of such Board, receive compensation
21 at a rate fixed by the Secretary, but not exceeding \$100
22 per diem, including travel time, and while away from their
23 homes or regular places of business they may be allowed
24 travel expenses, including per diem in lieu of subsistence, as

1 authorized by law (5 U.S.C. 73b-2) for persons in the
2 Government service employed intermittently.

3 “(j) As used in this section, the term ‘person’ includes
4 an individual, corporation, partnership, association, State,
5 municipality, and political subdivision of a State.

6 “(k) As used in this section, the term ‘municipality’
7 means a city, town, borough, county, parish, district, or
8 other public body created by or pursuant to State law.”

9 SEC. 7. Section 9 of the Federal Water Pollution Con-
10 trol Act is amended by adding at the end thereof the follow-
11 ing new sentences: “In his summary of any conference pur-
12 suant to section 8(c)(3) of this Act, the Secretary shall
13 include references to any discharges allegedly contributing
14 to pollution from any Federal property. Notice of any
15 hearing pursuant to section 8(e) involving any pollution
16 alleged to be effected by any such discharges shall also be
17 given to the Federal agency having jurisdiction over the
18 property involved and the findings and recommendations of
19 the Hearing Board conducting such hearing shall also include
20 references to any such discharges which are contributing to
21 the pollution found by such Hearing Board.”

22 SEC. 8. Section 11 of the Federal Water Pollution
23 Control Act is amended by striking out subsections (d) and
24 (e) and inserting in lieu thereof the following:

1 “(d) The term ‘State’ means a State, the District of
2 Columbia, the Commonwealth of Puerto Rico, the Virgin
3 Islands, and Guam.

4 “(e) The term ‘interstate waters’ means all rivers,
5 lakes, and other waters that flow across or form a part of
6 State boundaries, including coastal waters.”

7 SEC. 9. In the case of any discharge or discharges caus-
8 ing or contributing to water pollution with respect to which
9 the actions of the Surgeon General or the Secretary pre-
10 scribed under section 8 of the Federal Water Pollution
11 Control Act, as in effect prior to the enactment of this Act,
12 have already been completed prior to such enactment, the
13 provisions of such section as so in effect shall continue to be
14 applicable until the pollution caused by such discharge or
15 discharges has been abated.

16 SEC. 10. This Act may be cited as the “Federal Water
17 Pollution Control Act Amendments of 1961”.

Passed the House of Representatives May 3, 1961.

Attest:

RALPH R. ROBERTS,

Clerk.

AN ACT

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

MAY 4 (legislative day, MAY 3), 1961
Read twice and referred to the Committee on Public Works

13. HOUSING. Began debate on S. 1922, the omnibus housing bill. pp. 8660, 8673, 8683-4, 8692-8703
14. TREASURY-POST OFFICE APPROPRIATION BILL, 1962. Passed with amendments this bill, H. R. 5954 (pp. 8634-6, 8641-4, 8646-8, 8652-3, 8657). Conferees were appointed (p. 8657).
15. PEACE CORPS. Both Houses received from the President a proposed bill to provide for the establishment of a Peace Corps; to S. Foreign Relations and H. Foreign Affairs Committees. pp. 8585, 8744
16. MANPOWER RESOURCES. Received from the President a proposed bill to provide for the training and retraining of unemployed workers in new occupational skills over a 4-year period. pp. 8596-7
17. WATER RESOURCES. The Public Works Committee voted to report (but did not actually report) ~~S. 811, to establish a Wabash Basin Inter-agency Water Resources Commission, and S. 120, with amendment, to amend the Federal Water Pollution Control Act so as to provide a more effective program of water pollution control.~~ p. D403
~~Sen. Holland inserted an address by Sen. Ellender discussing the importance and need for water resource development. pp. 8637-8~~
~~Sen. Hruska inserted a Nebr. Legislature resolution favoring development of the Missouri River Basin on a multiple benefit concept. pp. 8598-9~~
18. ROADS. The Public Works Committee reported H. R. 6713, to amend certain laws relating to Federal-aid highways and to make certain adjustments in the Federal-aid highway program (S.Rept. 293). The bill was referred to the Finance Committee for further consideration. p. 8600
19. PERSONNEL. Both Houses received a report of the Board of Actuaries of the Civil Service Retirement System for the fiscal year 1959 (H. Doc. 182). pp. 8596, 8744
Received an Ore. Legislature resolution favoring enactment of legislation providing for recognition of Federal employee unions. p. 8599
Sen. Humphrey commended the service of O. V. Wells, former Administrator of the Agricultural Marketing Service of this Department, stating that "Mr. Wells personifies the ideal career civil servant." p. 8626
20. SCHOOL MILK. Received a Calif. Legislature resolution urging extension and expansion of the school milk program. p. 8597
21. WATERSHEDS. The Public Works Committee approved the following watershed projects: Bayou Rapides, La.; Bull Creek, Ga.; Camp Rice Arroyo, Tex.; Fall River, Kans.; Lower Plum Creek, Tex.; Magma, Ariz.; Muddy Fork of Illinois River, Ark.; and Seven Mile Creek, Ill. p. D403
22. NATIONAL PARKS. Sen. Gruening inserted an article by Secretary of Interior Udall, "National Parks For The Future." pp. 8644-6
23. FARM PROGRAM. Sen. Carlson said "There are several countries in the Western Hemisphere that are anxious to ... purchase agricultural commodities, based on sugar purchases in the United States. It is my sincere hope that both the State Department and the Department of Agriculture will take advantage of this opportunity to increase agricultural exports, particularly wheat." pp. 8599-8600

Sen. Carlson inserted a statement by Kansas Livestock Association opposing the proposed Agricultural Act of 1961, saying "Livestock people ... want no part of a Government program where it will be necessary to ask some Government official what they can do and how they can do it before they move."
p. 8599

Sen. Keating inserted an article "Farm Subsidies Hike Price of Groceries," and said "The President has given us the knife, and now he expects us to stick it in ourselves." pp. 8657-8

Sen. Humphrey inserted an article, "Administration Farm Procedure Supported," and said "We have justifiable pride in the intelligence of our people, and they find the farm measures of the administration to be commendable."
p. 8676

24. URBAN AFFAIRS. Sen. Morse inserted a resolution by the Portland City Council endorsing President Kennedy's proposal for establishment of a Federal Department of Urban Affairs. pp. 8676-7

25. FOOD STAMPS. Sen. Randolph inserted two articles supporting the food stamp program, "Food and Jobs," and "Food-Stamp Plan Gets Underway in West Virginia -- Coal Mining Welch Area Becomes First Testing Ground for New U. S. Program." pp. 8690-2

26. FOREIGN AID. Agreed to without amendment S. Res. 154, favoring the establishment of a White Fleet of ships to render emergency assistance, including food supplies, to people of other nations in case of disaster. pp. 8659-60

ITEMS IN APPENDIX

27. FARM LABOR. Extension of remarks of Rep. Anfuso commending the establishment of a Business Council for International Understanding, urging prevention of "exploitation of migratory farm workers," and inserting a statement describing the "Pilot Plan For Latin America." pp. A3882-4

Extension of remarks of Rep. Cohelan commending Sen. Williams for his work on the problems of the migrant farm labor system, and insertion of a newspaper article which he states points out that there is "basic inconsistency in the fact that imported Mexican farmworkers are guaranteed wages and working conditions which our own farmworkers are not receiving." pp. A3943-9

28. FEDERAL AID; EDUCATION. Several Representatives extended remarks and inserted articles discussing the matter of Federal aid to education. pp. A3892, A3914, A3929-31, A3938-9, A3852-5

29. CIVIL SERVICE. Rep. Boggs inserted the speech of the executive director National Civil Service League, New Orleans, Career Service Awards Luncheon, "The True Meaning of Civil Service." pp. A3897-8

30. NATURAL RESOURCES. Extension of remarks of Sen. Metcalf and insertion of an article describing the short courses in resource management offered by the Montana State University and stating that this program has been expanded under the Government Employees Training Act. pp. A3901-2

31. FARM PROGRAM. Rep. Smith, Miss., inserted Rep. Cooley's speech at the annual meeting of the Delta Council discussing agricultural affairs in general and commending the Secretary, stating that the "farmers of America have found a true champion of their cause in Orville Freeman ..." pp. A3908-9

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE

(For Department
Staff Only)

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For actions of June 7, 1961
87th-1st, No. 95

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HIGHLIGHTS: Senate passed Interior appropriation bill. House passed independent offices appropriation bill. Sen. Hruska criticized farm bill. House subcommittee voted to report bill for USDA centennial celebration. Senate debated housing bill. Both Houses received President's Youth Conservation Corps bill. Sen. Humphrey and Rep. Perkins introduced and discussed this bill. Sen. Talmadge commended and inserted Secretary's article, "Public Relations -- Our No. 1 Job."

SENATE

1. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1962. Passed with amendments this bill, H. R. 6345. Conferees were appointed. pp. 9040-51

By a vote of 77 to 13, agreed to an amendment by Sen. Dirksen to reduce by \$10 million, from \$149,200,200 to \$139,200,200, the item for forest land management, forest protection and utilization, Forest Service. p. 9042

Agreed to an amendment by Sen. Proxmire to restore \$300,000 disapproved by the Senate Appropriations Committee for detailed design and cost estimates for constructing additional laboratory facilities at the Forest Products Laboratory at Madison, Wisc. p. 9048

2. THE AGRICULTURE AND FORESTRY COMMITTEE voted to report (but did not actually report) the following bills: p. D422

S. 302, to authorize the appropriation of an additional \$2 million for the purchase of land within the boundaries of the Superior National Forest, Minn.

S. 650, to amend the Watershed Protection and Flood Prevention Act so as to permit any irrigation or reservoir company, water users' association, or similar organization approved by the Secretary of Agriculture to sponsor works of improvement.

S. 848, to authorize the Secretary of Agriculture to convey a parcel of forest land to the town of Tellico Plains, Tenn.

S. 1040, to provide for the abolishment of the Federal Farm Mortgage Corporation.

3. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: Crowabout Creek and Powell Creek, Ala.; Grady Could, Ark.; Hog-River-Pig-Creek, Ill.; Beasha Creek, Miss.; Panther Creek, Mo.; Haikey Creek, Okla.; Cane Creek, Tenn.; and Blue Creek, Utah. p. D422
4. FARM PROGRAM. The "Daily Digest" states that the Agriculture and Forestry Committee "announced that sometime next week it will proceed to consider S. 1643, proposed Agricultural Act of 1961." p. D422
Sen. Hruska criticized the farm bill, particularly the procedure for establishing farmer advisory committees and stated that the "procedures provided in S. 1643 are not democratic. Nor is the democratic process called into play." pp. 9039-40
5. PERSONNEL. The Commerce Committee voted to report (but did not actually report) S. 884, to authorize the Secretary of Commerce to procure the services of experts and consultants. p. D422
6. WATER POLLUTION. The Public Works Committee reported with amendments S. 120, to amend the Federal Water Pollution Control Act so as to provide for a more effective program of water pollution control (S.Rept.353). p. 9013
7. HOUSING. Continued debate on S. 1922, the omnibus housing bill. pp. 9051-77
8. CONSERVATION; YOUTH CONSERVATION CORPS. Both Houses received from the President a proposed bill "to authorize pilot training and employment programs for youth including on-the-job and other appropriate training, local public service programs, and conservation programs," and including the establishment of a Youth Conservation Corps; to H. Education and Labor and S. Labor and Public Welfare Committees. pp. 9009, 9012
9. FORESTRY. Sen. Neuberger inserted a joint release by the Department of Agriculture and Department of the Interior regarding Federal timber sales policies stating that Secretaries Freeman and Udall "announced adoption of a study and recommendations made by the two Departments to bring timber sale practices by the two agencies into closer uniformity," and including a summary of 13 recommendations which were adopted. pp. 9036-7
10. NATIONAL PARKS. Sen. Neuberger inserted an article, "Preserving Our National Parks." pp. 9037-8
11. SMALL BUSINESS; PROCUREMENT. Sen. Smathers submitted for printing a report of the Select Committee on Small Business, "The Role of Small Business in Government Procurement - 1961" (S. Rept. 355). p. 9077

HOUSE

12. APPROPRIATIONS. Passed with an amendment H. R. 7445, the independent offices appropriation bill for 1962. See Digest 94 for a summary of items of interest to this Dept. pp. 8975-9000
13. CENTENNIALS. Subcommittee No. 2 of the Judiciary Committee voted to report to the full committee H. J. Res. 435, to provide for recognition of the centennial of the establishment of the Department of Agriculture, and H. J. Res. 436, to provide for recognition of the centennial of the establishment of the national system of land-grant universities and colleges. p. D425

FEDERAL WATER POLLUTION CONTROL ACT
AMENDMENTS OF 1961

JUNE 7, 1961.—Ordered to be printed

Mr. KERR, from the Committee on Public Works, submitted the following

R E P O R T

[To accompany S. 120]

The Committee on Public Works to whom was referred the bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are indicated in the bill as reported and are shown by linetype and italics.

The purpose of S. 120, as amended, is to extend the authorization for grants to States and interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution. The present authorization in the amount of \$3 million annually will expire during fiscal year 1961 and the bill would authorize a continuation of this program for an additional 5 fiscal years and will increase the grants to \$5 million annually.

The bill would authorize and increase in construction grants from \$50 million annually to \$70 million for fiscal year 1962; \$80 million for fiscal year 1963; \$90 million for fiscal year 1964; \$100 million for fiscal year 1965; and \$100 million for fiscal year 1966. It would set a top limit on individual grants at \$500,000 or 30 percent of the project cost, whichever is the smaller. It would, however, permit several communities to join together in constructing joint facilities and each could obtain the maximum allowable grant. Thus, in the case of three communities a total grant of \$1.5 million could be obtained. The bill does protect communities having filed qualified applications which do not exceed \$250,000. It provides for a reallocation of funds among the States; however, such reallocation is not permitted for a period of 2 years.

The bill has several provisions not in existing law which are of great importance. These provisions are: (1) Authority for Federal agencies to include capacity in reservoirs for water quality control. This capacity not to be a substitute for adequate treatment of sewage. A determination would be made of the benefits of such capacity and an appropriate share of the cost allocated to this purpose. Beneficiaries would be determined and if the benefits are widespread or national in scope, the costs of such capacity would be nonreimbursable. (2) There would be authorized the establishment of research and demonstration facilities to study and determine practicable means of treating municipal sewage and other waterborne waste to remove the maximum amount of physical, chemical, and biological pollutants. There would be authorized \$10 million for the establishment of a research and demonstration center and \$5 million annually would be authorized for 5 years for the purpose of conducting required studies and developing new methods of treatment or treatment plant construction. The program would also include the development of prototypes or models to demonstrate results of research findings. (3) Authorizes the establishment of field laboratories in various parts of the country for research and demonstrations in water pollution control. (4) Requires that such action as may be necessary be taken to insure payment of wages on treatment construction projects, at not less than those prevailing on construction in the immediate locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act. (5) Expands Federal pollution abatement authority to all navigable waters including authority to enter into intrastate water pollution cases upon request of the Governor.

The bill would also make changes in the Water Supply Act of 1958, which would permit the inclusion of capacity in Corps of Engineers or Bureau of Reclamation reservoirs for future water supplies on the basis that final repayment contracts need not be entered into until such capacity is first used.

GENERAL STATEMENT

Public hearings were held by the committee on May 8 and 9, 1961. Officials of the Department of Health, Education, and Welfare and representatives of State and local governments, interstate water pollution control agencies, conservation organizations, the public health and medical profession, and industry testified at these hearings or presented their views for the record.

The committee has given careful consideration to the bill and all related comments and recommendations, which were brought to its attention. As a result of that consideration, S. 120, is being here reported with amendments, the desirability of which was indicated as a result of the hearings and material presented to the committee since introduction of the bill.

It is the view of the committee that the bill provides an orderly approach to water pollution control and recommends its enactment.

DISCUSSION

Just as the need for water is related to population, so is the production of sewage and associated wastes. During the latter part of 1930, it was predicted that our population would reach a plateau of

about 170 million by 1975. Instead, we are experiencing an explosive population growth and in 1957 had already passed the 170 million mark, 18 years ahead of schedule. Population projections suggest that population may reach the 232 to 274 million range by 1980 and about 329 million by the year 2000.

Most of the population increase will be in metropolitan areas. It is conservatively estimated that the larger metropolitan areas will contain 70 percent of the total population by 1980 and 80 percent by year 2000, when 95 percent of the total population are expected to reside in urban places. The magnitude of the problem of disposing of municipal sewage will grow in direct proportion to this increase in urban populations. Municipal sewage includes those wastes from domestic, commercial, public, and industrial establishments discharging through municipal sewer systems. Perhaps 80 percent (by number, rather than by volume or value of products) of the industrial establishments in the United States are connected to such systems, and it is estimated that about one-third of the organic wastes treated by municipalities are industrial in origin.

Very large quantities of water are withdrawn daily from streams and lakes for cooling purposes by steam-electric powerplants, steel mills, petroleum refineries and various other industrial plants. After use, these waters are usually returned to the river or lake and substantial amounts of heat are thus transferred to the bodies of water. The introduction of heat in any substantial quantities into such bodies of water has the effect of introducing additional pollution, because of the ability of these waters to assimilate oxygen-demanding pollution, or to support fish life, is thereby reduced.

Heat pollution from both industrial and powerplant sources are expected to increase at a very substantial rate over the next 40 years.

The 1956 Water Pollution Control Act broadened and strengthened earlier legislation by providing grants for the construction of municipal waste treatment facilities, grants to improve and strengthen State and interstate programs, more workable Federal enforcement, more effective research, and collection of basic data.

During the 5 years preceding passage of the 1956 act, the construction of municipal waste treatment works averaged only \$222 million annually. For the ensuing 5 years that the grants provisions have been in effect, contract awards for this construction have averaged \$360 million annually and over 2,600 projects costing \$1.2 billion have been approved. This is a 62-percent increase in construction. Also, for each Federal grant dollar, there has been an expenditure of \$4.80 in local funds. A 1960 survey by the State water pollution control agencies shows that the present backlog is still more than 5,000 projects, with an estimated cost of nearly \$2 billion. To eliminate this longstanding backlog, and to keep up with the new needs due to population growth and continuing obsolescence of existing plants, will require annual average construction levels of \$600 million.

The acceleration of the program of sewage plant construction is certainly one of the most necessary activities in order to clear up our streams and lakes. However, sewage treatment as it has been practiced in American communities, consists of treating the sewage by mechanical and biological means to remove the more objectionable solids and discharging the residual or effluent to a watercourse, such

as a stream or lake. The treatment methods in use today are essentially those which were developed some 30 to 40 years ago and have been reasonably adequate for meeting past needs.

Even with the present intensity of water use, it is necessary for water to be used and reused. The rate of reuse will continue to increase with growing demands for water. With each reuse, new foreign substances are added so that even after sewage treatment, the suitability of the water for further use is progressively impaired. This means that water must be freed of all undesirable foreign substances, including viral and bacterial pathogens, new organic materials resistant to treatment, detergents, nutrients, mineral salts, radioactive contaminants, and other pollutants. Very little research money has been put into this field due to the fact that sewage research activities are almost entirely dependent on public support. By comparison, the biological know-how in industry has been relatively far advanced by the heavy investments industry has allocated to scientific research.

The highest degree of sewage treatment by present methods is generally called complete treatment, that is, a high percentage of suspended solids and biochemical oxygen demand (b.o.d.) is removed. In complete treatment employing the activated sludge process, removals of 85 to 95 percent of the b.o.d. and 85 to 90 percent of the suspended solids are possible. Generally the percentage of removal is about 85 percent. It has been mentioned that in 1957, the discharge of treated sewage by a city such as Chicago, which realized over 85-percent removals, has the same effect as discharging the raw sewage from over 1 million people.

There is every reason to believe that a vigorous research attack on waste treatment problems would lead to breakthroughs and new processes which will make it possible to handle ever-increasing wasteloads, and even to restore streams to a state approaching their original natural purity. Present and predicted needs reveal that a basic research project should be initiated immediately because it would, no doubt take some time before the results would have a significant impact on municipal sewage treatment facilities.

If all waste or all water deteriorating elements could be removed by treatment, a region's water supply could be used over and over. Even though removal or treatment could approach 100 percent, there would still be an oxygen demand induced by treatment itself, which under presently known technology, can be offset only by an adequate flow of water in the stream. Also, water being stored and released at the proper time, can do much toward reducing the temperature of water thus reducing the polluting effect of heat. Water of good quality could be stored and released and mixed with water of lesser quality thereby, perhaps making it suitable for various uses.

Extension of Federal enforcement to include navigable waters as well as interstate waters, would seem to be needed in view of the limitation imposed in connection with enforcement laws now in effect. In other words, many coastal waters are now excluded as well as waters, although they may be navigable, which do not cross or form parts of State boundaries. In addition, it would be helpful to States in coping with water pollution problems, if the Federal Government were permitted, upon request of the Governor, to enter into intrastate easements because in instances, it may be that States do not have technicians.

available who can collect and analyze data upon which to proceed in correcting water pollution problems. The States should, however, exhaust every resource available to them before asking for Federal assistance.

The Water Supply Act of 1958, authorizes the Corps of Engineers and the Bureau of Reclamation to include capacity in reservoirs for municipal and industrial water supplies, along with capacity for other purposes. The act provides for the repayment of these costs with interest. It provides that capacity may be included for present and anticipated future demands and that not to exceed 30 percent of the total cost of any project constructed by these agencies, may be allocated to anticipated future demands. The present law has been interpreted, in certain instances, to mean that firm contracts must be entered into for that portion set aside for future demands, as well as present demands, however, the original intention was that only "reasonable assurances" of use and repayment need to be obtained with respect to the capacity set aside for future demands. There is a need to amend this particular provision because in many instances, projects are being planned which, along with flood control, hydro-power, etc., offer opportunities for the storage of water for future municipal and industrial demands, but there is no entity with whom to contract. In many cases, it is probable that if an adequate quantity of water is available, the natural resources of an area will be developed whereas, without the availability of such a supply, there would be no opportunity for such development. It would seem that when reservoir projects are being planned, the full potentials of the site should be developed as an "insurance" for the future. It would appear to be appropriate to include capacity for future demands on the basis of studies and analysis of future potential uses without requiring a firm contract.

MAJOR PROVISIONS OF BILL

STORAGE FOR WATER QUALITY CONTROL

The committee is increasingly concerned about the need for better utilizing our Nation's waters and particularly with respect to its impoundment and release for the many beneficial demands which are present. Therefore, the committee has added language, through the bill being reported, which would permit the inclusion in reservoirs of capacity for water which would be used in improving low flow conditions which create loss of fish and aquatic life and which aggravate the concentration of natural and manmade pollution.

RESEARCH FACILITIES AND FUNDS

The committee does not wish to encourage the widespread use of our Nation's water for dilution of sewage in lieu of proper treatment although it is recognized that certain amounts of water will be required. Accordingly, funds in the amount of \$10 million would be authorized for the establishment of a research center which would include facilities for developing methods for treatment and handling of pollutants. It is also expected that actual experimentation in and the development of new types of treatment plants would be carried forward. The committee recommends \$5 million annually for 5 years

to carry forward such a research program and is hopeful that a breakthrough can be made in that time, if not earlier.

In addition there would be authorized the installation of field or area laboratories and headquarters for use in providing technical services to water pollution control agencies. These services consist of evaluating findings with respect to sources of pollution, determining possible means of isolating natural pollution through field research and studying and evaluating pollution problems which are peculiar to various sections of the country.

The bill would authorize extension of the program to fiscal year 1966 and would increase the annual authorizations from \$3 to \$5 million. The following is a table showing approximate allotments of program grants, required matching funds, and totals.

TABLE 1.—*Water pollution program grants, comparison of tentative Federal allotments, State and local funds required, and totals*

State or interstate agency	Tentative Federal allotment	Federal share (percent) of program costs	State and local funds required for grant of full Federal allotment	Totals
Total.....	\$4, 500, 000	-----	\$4, 578, 500	\$9, 078, 500
Alabama.....	94, 300	66 $\frac{2}{3}$	47, 100	141, 400
Alaska.....	22, 800	40. 82	33, 100	55, 900
Arizona.....	40, 500	54. 39	34, 000	74, 500
Arkansas.....	64, 600	66 $\frac{2}{3}$	32, 300	96, 900
California.....	242, 700	39. 38	373, 600	616, 300
Colorado.....	47, 900	51. 41	45, 300	93, 200
Connecticut.....	79, 800	33. 64	157, 400	237, 200
Delaware.....	49, 100	33 $\frac{1}{2}$	98, 300	147, 400
District of Columbia.....	50, 900	33 $\frac{1}{2}$	101, 800	152, 700
Florida.....	106, 900	54. 41	89, 600	196, 500
Georgia.....	104, 700	64. 67	57, 200	161, 900
Hawaii.....	42, 100	51. 72	39, 300	81, 400
Idaho.....	32, 200	58. 95	22, 400	54, 600
Illinois.....	183, 100	39. 17	284, 400	467, 500
Indiana.....	108, 300	51. 03	103, 900	212, 200
Iowa.....	70, 800	54. 44	59, 300	130, 100
Kansas.....	56, 900	53. 91	48, 700	105, 600
Kentucky.....	86, 800	65. 05	46, 600	133, 400
Louisiana.....	87, 900	62. 95	51, 800	139, 700
Maine.....	41, 600	59. 14	28, 700	70, 300
Maryland.....	84, 800	45. 97	99, 600	184, 400
Massachusetts.....	124, 600	43. 65	160, 900	285, 500
Michigan.....	160, 000	47. 04	180, 100	340, 100
Minnesota.....	81, 100	54. 15	68, 700	149, 800
Mississippi.....	80, 300	66 $\frac{2}{3}$	40, 100	120, 400
Missouri.....	94, 300	51. 48	88, 900	183, 200
Montana.....	30, 200	52. 96	26, 900	57, 100
Nebraska.....	44, 000	53. 55	38, 100	82, 100
Nevada.....	23, 300	37. 71	38, 400	61, 700
New Hampshire.....	39, 400	54. 27	33, 200	72, 600
New Jersey.....	133, 300	39. 27	206, 100	339, 400
New Mexico.....	35, 500	58. 30	25, 400	60, 900
New York.....	273, 100	37. 38	457, 500	730, 600
North Carolina.....	125, 700	66. 44	63, 500	189, 200
North Dakota.....	32, 200	62. 88	19, 000	51, 200
Ohio.....	187, 300	45. 49	224, 500	411, 800
Oklahoma.....	63, 900	59. 09	44, 200	108, 100
Oregon.....	49, 500	51. 22	47, 100	96, 600
Pennsylvania.....	215, 100	48. 07	232, 400	447, 500
Rhode Island.....	60, 400	50. 55	59, 100	119, 500
South Carolina.....	81, 500	66 $\frac{2}{3}$	40, 800	122, 300
South Dakota.....	33, 100	62. 69	19, 700	52, 800
Tennessee.....	100, 300	65. 27	53, 400	153, 700
Texas.....	175, 800	55. 73	139, 600	315, 400
Utah.....	35, 500	57. 42	26, 400	61, 900
Vermont.....	32, 500	59. 42	22, 200	54, 700
Virginia.....	95, 900	58. 11	69, 100	165, 000
Washington.....	65, 300	47. 54	72, 000	137, 300
West Virginia.....	61, 700	61. 47	38, 700	100, 400
Wisconsin.....	97, 800	51. 57	91, 800	189, 600
Wyoming.....	24, 900	50. 43	24, 400	49, 300

TABLE 1.—*Water pollution program grants, comparison of tentative Federal allotments, State and local funds required, and totals—Continued*

State or interstate agency	Tentative Federal allotment	Federal share (percent) of program costs	State and local funds required for grant of full Federal allotment	Totals
Puerto Rico.....	\$98,900	66 $\frac{2}{3}$	\$49,500	\$148,400
Virgin Islands.....	44,900	66 $\frac{2}{3}$	22,400	67,300
Total.....	500,000		686,900	1,186,900
Bi-State Development Agency.....	30,200	43.46	39,300	69,500
Interstate Commission on the Delaware River Basin.....	70,200	41.27	100,000	170,200
Interstate Commission on the Potomac River Basin.....	39,400	50.79	33,100	77,500
Interstate Sanitation Commission.....	114,300	37.41	191,300	305,600
Klamath River Compact Commission.....	12,400	39.09	19,300	31,700
New England Interstate Water Pollution Control Commission.....	71,500	39.81	108,100	179,600
Ohio River Valley Water Sanitation Commission.....	162,000	45.92	190,800	352,800

GRANTS FOR WASTE TREATMENT PLANT CONSTRUCTION

Under existing law there is authorized \$50 million annually in Federal grants to communities to assist them in construction of needed waste treatment facilities. This program has been in operation since 1956 and the results of the program since that time have indicated the desirability of increasing the program grants; to allow for redistribution of unused funds; to protect the present qualified applicants; to permit multimunicipal developments, and to provide that laborers and mechanics of contractors and subcontractors on projects for which grants are made shall be paid prevailing wages in the locality.

The bill provides grants in the amount of \$70 million for fiscal year 1962; \$80 million for fiscal year 1963; 90 million for 1964; \$100 million for fiscal year 1965, and \$100 million for fiscal year 1966. The total allowable for any one project is 30 percent or \$500,000, whichever is the lesser. This would result in the following grants for various sizes of projects:

Total cost:	Project grant
\$500,000.....	\$150,000
\$1 million.....	300,000
\$1 $\frac{1}{2}$ million.....	400,000
\$1 $\frac{2}{3}$ million.....	¹ 500,000
\$2 million.....	500,000

¹ Limit for 1 project. There would be no limitation as to number of projects which could be included in multimunicipal arrangements.

It is the purpose of the provision relating to protection of previously filed applications not exceeding \$250,000 to insure utilization of the increased amounts available for construction grants by those smaller communities where applications have been filed with the State water pollution control agency prior to the date of enactment of this legislation. In order to receive grants, such projects would have to meet all other requirements of the act, and State laws and regulations, including agreement by the grantee to pay the remaining cost of the project.

The purpose of the provision relating to multimunicipal projects is to make each governmental unit served by the project eligible for

a construction grant and it is applicable to projects now in operation serving more than one municipality as well as prospective joint projects. The committee encourages adjacent communities to band together for the construction and operation of joint treatment and disposal works, utilizing such financial arrangements and methods as authorized by State statute. In addition, the committee encourages adjacent communities to avail themselves of service capacity available in presently operating projects serving more than one municipality.

The following tabulation shows the amounts to which each State would be entitled for the construction of waste treatment facilities:

TABLE 2.—*Grants for construction of waste treatment facilities*

Total-----	State allotments based on—				
	\$50,000,000	\$70,000,000	\$80,000,000	\$90,000,000	\$100,000,000
Alabama-----	1,081,325	1,513,855	1,730,120	1,946,385	2,162,650
Alaska-----	376,725	527,415	602,760	678,105	753,450
Arizona-----	627,600	878,640	1,004,160	1,129,680	1,255,200
Arkansas-----	949,775	1,329,685	1,519,640	1,709,595	1,899,550
California-----	2,499,925	3,499,895	3,999,880	4,499,865	4,999,850
Colorado-----	662,275	927,185	1,059,640	1,192,095	1,324,550
Connecticut-----	657,000	919,800	1,051,200	1,182,600	1,314,000
Delaware-----	359,125	502,775	574,600	646,425	718,250
District of Columbia-----	405,650	567,910	649,040	730,170	811,300
Florida-----	1,129,950	1,581,930	1,807,920	2,033,910	2,259,900
Georgia-----	1,121,500	1,570,100	1,794,400	2,018,700	2,243,000
Hawaii-----	510,700	714,980	817,120	919,260	1,021,400
Idaho-----	590,025	826,035	944,040	1,062,045	1,180,050
Illinois-----	1,723,300	2,412,620	2,757,280	3,101,940	3,446,600
Indiana-----	1,059,125	1,482,775	1,694,600	1,906,425	2,118,250
Iowa-----	828,325	1,159,655	1,325,320	1,490,985	1,656,650
Kansas-----	743,575	1,041,005	1,189,720	1,338,435	1,487,150
Kentucky-----	1,003,275	1,404,585	1,605,240	1,805,895	2,006,550
Louisiana-----	1,000,225	1,400,315	1,600,360	1,800,405	2,000,450
Maine-----	633,900	887,460	1,014,240	1,141,020	1,267,800
Maryland-----	805,170	1,127,245	1,288,280	1,449,315	1,610,350
Massachusetts-----	1,071,400	1,499,960	1,714,240	1,928,520	2,142,800
Michigan-----	1,462,575	2,047,605	2,340,120	2,632,635	2,925,150
Minnesota-----	915,800	1,282,120	1,465,280	1,648,440	1,831,600
Mississippi-----	1,100,250	1,540,350	1,760,400	1,980,450	2,200,500
Missouri-----	1,015,900	1,422,260	1,625,440	1,828,620	2,031,800
Montana-----	527,675	738,745	844,280	949,815	1,055,350
Nebraska-----	634,550	888,370	1,015,280	1,142,190	1,269,100
Nevada-----	367,650	514,710	588,240	661,770	735,300
New Hampshire-----	530,800	743,120	849,280	955,440	1,061,600
New Jersey-----	1,171,500	1,640,100	1,874,400	2,108,700	2,343,000
New Mexico-----	621,375	869,925	994,200	1,118,475	1,242,750
New York-----	2,635,650	3,689,910	4,217,040	4,744,170	5,271,300
North Carolina-----	1,236,250	1,730,750	1,978,000	2,225,250	2,472,500
North Dakota-----	638,050	893,270	1,020,880	1,148,490	1,276,100
Ohio-----	1,710,700	2,394,980	2,737,120	3,079,260	3,421,400
Oklahoma-----	820,325	1,148,455	1,312,520	1,476,585	1,640,650
Oregon-----	662,025	927,675	1,060,200	1,192,725	1,325,250
Pennsylvania-----	1,951,250	2,731,750	3,122,000	3,512,250	3,902,500
Rhode Island-----	531,875	744,625	851,000	957,375	1,063,750
South Carolina-----	1,006,675	1,409,345	1,610,680	1,812,015	2,013,350
South Dakota-----	641,875	898,625	1,027,000	1,155,375	1,283,750
Tennessee-----	1,079,700	1,511,580	1,727,520	1,943,460	2,159,400
Texas-----	1,780,000	2,492,000	2,848,000	3,204,000	3,560,000
Utah-----	602,900	844,060	964,640	1,085,220	1,205,800
Vermont-----	557,725	780,815	892,360	1,003,905	1,115,450
Virginia-----	1,034,075	1,447,705	1,654,520	1,861,335	2,068,150
Washington-----	782,500	1,095,500	1,252,000	1,408,500	1,565,000
West Virginia-----	786,875	1,101,625	1,259,000	1,416,375	1,573,750
Wisconsin-----	966,075	1,352,505	1,545,720	1,738,935	1,932,150
Wyoming-----	458,075	641,305	732,920	824,535	916,150
Puerto Rico-----	1,123,850	1,573,390	1,798,160	2,022,930	2,247,700
Virgin Islands-----	805,000	1,127,000	1,288,000	1,449,000	1,610,000

ENFORCEMENT MEASURES AGAINST POLLUTION OF NAVIGABLE WATERS

The present law provides for Federal control of pollution of interstate waters and only where pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters, which endangers the health or welfare of persons in a State other than that in which the discharge originates.

The amendment would permit abatement action on navigable waters by the Federal Government. When pollution of navigable waters is endangering the health or welfare of persons in a State, other than that in which the discharge or discharges originate, the Surgeon General, in his own initiative, or at the request of proper State officials, may initiate abatement action. The amendment will also permit Federal action, if requested by the Governor of a State, in cases where pollution is endangering the health or welfare of persons within a particular State.

AMENDMENT TO WATER SUPPLY ACT OF 1958

The present law provides authority for the Corps of Engineers and the Bureau of Reclamation to include municipal and industrial water supply capacity in reservoirs under their jurisdiction. The present law, among other things, provides that not to exceed 30 percent of the total cost of any project may be allocated to anticipated future demands where State or local interest give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project. The latter provision in many cases places an undue and undesirable restriction on the inclusion of capacity for future use, because of the inability of many communities, and perhaps even States, to assume the contractual obligations implied. Therefore, in order to permit optimum utilization of the limited number of good dam and reservoir sites remaining, the requirement for the communities or States, with respect to contractual arrangements, should be liberalized. Accordingly, the amendment, although still requiring reasonable assurances of the use of storage for future water supply, would permit the Federal agency concerned to make its own determination of future water supply needs and, on the basis of such determination, may include capacity without definite contractual commitments from State or local interests. It is the intention of the committee that the Federal agency concerned would make appropriate allocations of reservoir capacity for present demands and determine the progressive increments which should be placed in the present demand category from the future demand reserve.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

[33 U.S.C. 466-466k]

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

DECLARATION OF POLICY

SECTION 1. (a) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. To this end, the Surgeon General of the Public Health Service shall administer this Act through the Public Health Service and under the supervision and direction of the Secretary of Health, Education, and Welfare.

(b) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 2. (a) The Surgeon General shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Surgeon General is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b)(1) *In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal Agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and*

water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Surgeon General, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be non-reimbursable.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 3. (a) The Surgeon General shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 4. (a) The Surgeon General shall conduct in the Public Health Service and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Surgeon General is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Public Health Service with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the total sum authorized to be appropriated for any fiscal year for fellowships pursuant to this subparagraph shall not exceed \$100,000; [and]

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications [.]; and

(6) *establish, equip, and maintain research and field demonstration facilities, giving consideration in establishing such facilities to locations which will facilitate cooperation with institutions of higher education, and for the purposes of this clause (A) the Surgeon General may acquire land and interests therein, accept in the name of the United States donations of property, real or personal, subject to such conditions as he may deem appropriate, and utilize uncompensated services, (B) the Surgeon General may contract or make other arrangements for the use of such facilities as he may determine, and (C) there is authorized to be appropriated not more than \$10,000,000.*

(b) The Surgeon General may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Surgeon General shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) (1) *In carrying out the provisions of this section the Surgeon General shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):*

(A) *Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;*

(B) *Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and*

(C) *Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.*

(2) *For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.*

(e) *The Surgeon General shall establish, equip, and maintain field laboratory facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of technical investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such activities might be carried out.*

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 5. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending [June 30, 1961, \$3,000,000] June 30, 1966, \$5,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Surgeon General shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Surgeon General shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Surgeon General shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Surgeon General finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Surgeon General shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Surgeon General may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution; and

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan.

The Surgeon General shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g) (1) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Surgeon General shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Surgeon General shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Surgeon General's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit³ in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Surgeon General, unless contrary to the weight of the evidence, shall be conclusive; but the court for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified find-

ings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Surgeon General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h) (1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than $66\frac{2}{3}$ per centum or less than $33\frac{1}{3}$ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be $66\frac{2}{3}$ per centum.

(2) The "Federal shares" shall be promulgated by the Surgeon General between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Federal shares promulgated by the Surgeon General pursuant to section 4 of the Water Pollution Control Act Amendments of 1956, shall be conclusive for the period beginning July 1, 1956, and ending June 30, 1959.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States." Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Surgeon General shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Surgeon General may find necessary.

(2) The Surgeon General shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such

subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Surgeon General may determine.

GRANTS FOR CONSTRUCTION

SEC. 6. (a) The Surgeon General is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Surgeon General and unless such project is included in a comprehensive program developed pursuant to this Act; (2) *except as otherwise provided in this clause*, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Surgeon General or in an amount exceeding ~~["\$250,000"]~~ \$500,000, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost~~[";"]~~; *Provided further*, That no grant of more than \$250,000 shall be approved for a project in any State until all previously filed qualified applications from that State and political subdivisions thereof for grants not exceeding \$250,000 have first been approved: *Provided further*, That, in the case of a project which will serve more than one municipality, the Surgeon General shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined shall be the maximum amount of the grant which may be made under this section on account of such project; (3) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Surgeon General for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (4) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 5 and has been certified by the State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Surgeon General to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public

necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for any fiscal year shall be allotted by the Surgeon General from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. [The allotment of a State under the preceding sentence shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section.] *Sums allotted to a State under the preceding sentence which are not obligated at the end of the fiscal year following the fiscal year for which they were allotted because of lack of projects which have been approved by a State water pollution control agency under subsection (b)(1) of this section or certified as entitled to priority under subsection (b)(4) of this section, shall be re-allotted by the Surgeon General, on such basis as he determines reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.*

[(d) There are hereby authorized to be appropriated for each fiscal year the sum of \$50,000,000 for the purpose of making grants under this section: *Provided*, That the aggregate of sums so appropriated shall not exceed \$500,000,000. Sums so appropriated shall remain available until expended: *Provided*, That at least 50 per centum of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.]

(d) There is hereby authorized to be appropriated, for the purpose of making grants under this section, \$70,000,000 for the fiscal year ending June 30, 1962, \$80,000,000 for the fiscal year ending June 30, 1963, \$90,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, and \$100,000,000 for the fiscal year ending June 30, 1966. Sums so appropriated shall remain available until expended.

(e) The Surgeon General shall make payments under this section through the disbursing facilities of the Department of the Treasury.

Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

The Surgeon General shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a-5).

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 7. (a)(1) There is hereby established in the Public Health Service a Water Pollution Control Advisory Board, composed of the Surgeon General or a sanitary engineer officer designated by him, who shall be chairman, and nine members appointed by the President none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term, but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed 'preceding terms' for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Health, Education, and Welfare, but not exceeding \$50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5

U.S.C. 73b-2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Surgeon General on matters of policy relating to the activities and functions of the Surgeon General under this Act.

(e) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Public Health Service.

ENFORCEMENT MEASURES AGAINST POLLUTION OF [INTERSTATE] NAVIGABLE WATERS

SEC. 8. (a) The pollution of [interstate] *navigable* waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of *any* persons [in a State other than that in which the discharge originates], shall be subject to abatement as [herein] provided[.] *in this Act.*

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (g), be displaced by Federal enforcement action.

[(e) (1) Whenever the Surgeon General, on the basis of reports, surveys, or studies, has reason to believe that any pollution referred to in subsection (a) is occurring, or whenever requested by a State water pollution control agency or the Governor of any State, he shall give formal notification of any such pollution to the State water pollution control agency and interstate agency, if any, of the State or States where the discharge or discharges causing or contributing to such pollution originates and shall call promptly a conference of the State water pollution control agencies and interstate agencies, if any, of the State or States where the discharge or discharges causing or contributing to such pollution originates and of the State or States claiming to be adversely affected by such pollution.]

(c)(1) *Whenever requested by the Governor of any State or a State water pollution control agency, the Surgeon General shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Surgeon General shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the requesting State where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and of the State*

water pollution control agency and interstate agency, if any, of the requesting State, unless, in the judgment of the Surgeon General, the effect of such pollution on the legitimate uses of the waters is not of such significance to warrant exercise of Federal jurisdiction under this section. The Surgeon General shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring.

2. The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(3) Following this conference, the Surgeon General shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of **[interstate]** *navigable* waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(d) If the Surgeon General believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of **[persons in a State other than that in which the discharge originates]** *any persons* is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Surgeon General is to allow at least six months for the taking of such action.

(e) If such remedial action is not taken or action reasonably calculated to secure abatement of such pollution is not taken, the Secretary of Health, Education, and Welfare shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of said hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the board finds such pollution is occurring and effective progress toward abatement is not being made it shall make recommendations to the Secretary of Health, Education, and Welfare concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of

such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency, and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary of Health, Education, and Welfare, with the written consent of the State water pollution control agency (or any officer or employee authorized to give such consent) of the State or States where the matter causing or contributing to the pollution is discharged or at the written request of the State water pollution control agency (or any officer or employee authorized to make such request) of any other State or States where the health or welfare of persons is endangered by such pollution, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(g) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(h) As used in this section, the term "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of the State.

COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

SEC. 9. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters.

ADMINISTRATION

SEC. 10. (a) The Surgeon General is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. All regulations of the Surgeon General under this Act shall be subject to the approval of the Secretary of Health, Education, and Welfare. The Surgeon General may delegate to any officer or employee of the Public Health Service such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

(b) The Secretary of Health, Education, and Welfare, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

DEFINITIONS

SEC. 11. When used in this Act—

(a) The term “State water pollution control agency” means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term “interstate agency” means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term “treatment works” means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term “State” means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

(e) The term “interstate waters” means all rivers, lakes, and other waters that flow across, or form a part of, boundaries between two or more States.

(f) The term “municipality” means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

OTHER AUTHORITY NOT AFFECTED

SEC. 12. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of the Oil Pollution Act, 1924, or sections 13 through 17 of the Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes”, approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. 13. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SHORT TITLE

SEC. 14. This Act may be cited as the "Federal Water Pollution Control Act".

WATER SUPPLY ACT OF 1958

[43 U.S.C. 390b]

SEC. 301. (a) It is hereby declared to be the policy of the Congress to recognize the primary responsibilities of the States and local interests in developing water supplies for domestic, municipal, industrial, and other purposes and that the Federal Government should participate and cooperate with States and local interests in developing such water supplies in connection with the construction, maintenance, and operation of Federal navigation, flood control, irrigation, or multiple purpose projects.

(b) In carrying out the policy set forth in this section, it is hereby provided that storage may be included in any reservoir project surveyed, planned, constructed or to be planned, surveyed and or constructed by the Corps of Engineers or the Bureau of Reclamation to impound water for present or anticipated future demand or need for municipal or industrial water, and the reasonable value thereof may be taken into account in estimating the economic value of the entire project: **[***Provided, That before construction or modification of any project including water supply provisions is initiated, State or local interests shall agree to pay for the cost of such provisions on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction as determined by the Secretary of the Army or the Secretary of the Interior as the case may be: *Provided further, That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where States or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the costs allocated to water supply within the life of the project.****]** *Provided, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may be: *Provided further, That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: And provided further, That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project: And provided further, That the entire amount of the construction costs, including interest during construction, allocated to water supply shall be repaid within the life of the project but in no event to exceed fifty years after the project is first used for the storage of water for water supply purposes, except that (1) no payment**

need be made with respect to storage for future water supply until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-free period exceed ten years. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. The provisions of this subsection insofar as they relate to the Bureau of Reclamation and the Secretary of the Interior shall be alternative to and not a substitute for the provisions of the Reclamation Projects Act of 1939 (53 Stat. 1187) relating to the same subject.

(c) The provisions of this section shall not be construed to modify the provisions of section 1 and section 8 of the Flood Control Act of 1944 (58 Stat. 887), as amended and extended, or the provisions of section 8 of the Reclamation Act of 1902 (32 Stat. 390).

(d) Modifications of a reservoir project heretofore authorized, surveyed, planned, or constructed to include storage as provided in subsection (b), which would seriously affect the purposes for which the project was authorized, surveyed, planned, or constructed, or which would involve major structural or operational changes shall be made only upon the approval of Congress as now provided by law.



87TH CONGRESS
1ST SESSION

S. 120

[Report No. 353]

IN THE SENATE OF THE UNITED STATES

JANUARY 5 (legislative day, JANUARY 4), 1961

Mr. KERR (for himself, Mr. CHAVEZ, Mr. MOSS, Mr. CASE of South Dakota, Mr. BENNETT, Mr. MONRONEY, Mrs. NEUBERGER, Mr. RANDOLPH, Mr. YARBOROUGH, Mr. LONG of Missouri, and Mr. HART) introduced the following bill; which was read twice and referred to the Committee on Public Works

JUNE 7, 1961

Reported by Mr. KERR, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 2 of the Federal Water Pollution Control Act
4 is amended by inserting “(a)” after “SEC. 2.” and by insert-
5 ing at the end of such section the following:

6 ~~(b)(1)~~ Any Federal agency which, after the date
7 of enactment of this subsection, is initiating plans for any
8 reservoir or other water impoundment on interstate waters
9 shall notify the Surgeon General of the initiation of such
10 plans. The Surgeon General shall, in any case where it

1 would promote water pollution control in such waters, rec-
2 ommend storage needs, flow regulations, and other water
3 quality control features with respect to such reservoir or
4 impoundment which are necessary for such pollution control,
5 and shall recommend such features to such agency for incor-
6 poration wherever possible in such plans. Any report to
7 Congress recommending authorization of such plans shall
8 include any such recommendations by the Surgeon General
9 and the extent to which they were incorporated in the rec-
10 ommended plans.

11 “(2) It is the intent of Congress that benefits resulting
12 from water quality control features incorporated in any Fed-
13 eral reservoir or other impoundment under the provisions of
14 this Act shall be evaluated and the beneficiaries determined,
15 and if benefits are widespread or national in scope or if the
16 principal beneficiary is the general public in the area the
17 costs of such features should be nonreimbursable.”

18 “(b) (1) In the survey or planning of any reservoir by
19 the Corps of Engineers, Bureau of Reclamation, or other
20 Federal agency, consideration shall be given to inclusion of
21 storage for regulation of streamflow for the purpose of water
22 quality control, except that any such storage and water
23 releases shall not be provided as a substitute for adequate
24 treatment or other methods of controlling waste at the source.

25 “(2) The need for and the value of storage for this

1 purpose shall be determined by these agencies, with the ad-
2 vice of the Surgeon General, and his views on these matters
3 shall be set forth in any report or presentation to the Congress
4 proposing authorization or construction of any reservoir
5 including such storage.

6 “(3) The value of such storage shall be taken into
7 account in determining the economic value of the entire project
8 of which it is a part, and costs shall be allocated to the purpose
9 of water quality control in a manner which will insure that
10 all project purposes share equitably in the benefits of multiple-
11 purpose construction.

12 “(4) Costs of water quality control features incorporated
13 in any Federal reservoir or other impoundment under the
14 provisions of this Act shall be determined and the beneficiaries
15 identified and if the benefits are widespread or national in
16 scope, the costs of such features shall be nonreimbursable.”

17 SEC. 2. (a) Section 4 (a) of the Federal Water Pollu-
18 tion Control Act is amended by striking out “and” at the
19 end of clause (4), by striking out the period at the end of
20 clause (5) and inserting in lieu thereof a semicolon and
21 the word “and”, and by inserting at the end of such section
22 the following:

23 “(6) establish, equip, and maintain research and
24 field demonstration facilities, giving consideration in
25 establishing such facilities to locations which will facili-

1 tate cooperation with institutions of higher education,
2 and for the purposes of this clause (A) the Surgeon
3 General may acquire land and interests therein, accept
4 in the name of the United States donations of property,
5 real or personal, subject to such conditions as he may
6 deem appropriate, and utilize uncompensated services,
7 ~~and~~ (B) *the Surgeon General may contract or make*
8 *other arrangements for the use of such facilities as he*
9 *may determine, and (C) there is authorized to be ap-*
10 *propriated not more than \$10,000,000."*

11 (b) Section 4 of such Act is further amended by insert-
12 ing at the end thereof the following:

13 “(d) (1) In carrying out the provisions of this section
14 the Surgeon General shall develop and demonstrate under
15 varied conditions (including conducting such basic and ap-
16 plied research, studies, and experiments as may be
17 necessary) :

18 “(A) Practicable means of treating municipal sew-
19 age and other waterborne wastes to remove the maxi-
20 mum possible amounts of physical, chemical, and
21 biological pollutants in order to restore and maintain the
22 maximum amount of the Nation’s water at a quality
23 suitable for repeated reuse;

24 “(B) Improved methods and procedures to iden-
25 tify and measure the effects of pollutants on water uses,

including those pollutants created by new technological developments; and

“(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

“(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed ~~\$25,000,000.~~ \$25,000,000.

“(e) The Surgeon General shall establish, equip, and maintain field laboratory facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of technical investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such activities might be carried out.”

SEC. 3. Section 5 (a) of the Federal Water Pollution Control Act is amended by striking out “June 30, 1961,

1 \$3,000,000” and inserting in lieu thereof “June 30, 1966,
2 \$5,000,000”.

3 SEC. 4. Section 6 of the Federal Water Pollution Con-
4 trol Act is amended as follows:

5 (1) Clause (2) of subsection (b) of such section 6 is
6 amended to read as follows: “(2) except as otherwise pro-
7 vided in this clause, no grant shall be made for any project
8 in an amount exceeding 30 per centum of the estimated
9 reasonable cost thereof as determined by the Surgeon Gen-
10 eral, or in an amount exceeding ~~\$400,000~~ \$500,000, which-
11 ever is the smaller: *Provided*, That the grantee agrees to
12 pay the remaining cost: *Provided further*, That no grant
13 of more than \$250,000 shall be approved for a project in any
14 State until all previously filed qualified applications from that
15 State and political subdivisions thereof for grants not ex-
16 ceeding \$250,000 have first been approved: *Provided fur-*
17 *ther*, That, in the case of a project which will serve more
18 than one municipality, the Surgeon General shall, on such
19 basis as he determines to be reasonable and equitable, allo-
20 cate to each municipality to be served by such project its
21 share of the estimated reasonable cost of such project, and
22 shall then apply the limitations provided in this clause
23 (2) to each such share as if it were a separate project to de-
24 termine the maximum amount of any grant which could be
25 made under this section with respect to each such share, and

1 the total of all the amounts so determined shall be the
2 maximum amount of the grant which may be made under
3 this section on account of such project;”.

4 (2) The third sentence of subsection (c) of such sec-
5 tion 6 is amended to read as follows: “Sums allotted to a
6 State under the preceding sentence which are not obligated
7 at the end of the fiscal year *following the fiscal year* for
8 which they were allotted because of a lack of projects which
9 have been approved by a State water pollution control
10 agency under subsection (b) (1) of this section or certified
11 as entitled to priority under subsection (b) (4) of this sec-
12 tion, shall be reallocated by the Surgeon General, on such
13 basis as he determines reasonable and equitable and in
14 accordance with regulations promulgated by him, to States
15 having projects approved under this section for which grants
16 have not been made because of lack of funds. Any sum
17 made available to a State by reallocation under the pre-
18 ceding sentence shall be in addition to any funds otherwise
19 allotted to such State under this Act. The allotments of a
20 State under the second and third sentences of this subsection
21 shall be available, in accordance with the provisions of this
22 section, for payments with respect to projects in such State
23 which have been approved under this section.”

24 ~~(3)~~ Subsection ~~(d)~~ of such section 6 is amended by
25 striking out “\$50,000,000” and inserting in lieu thereof

1 ~~“\$75,000,000”, and by striking out “\$500,000,000” and in-~~
2 ~~serting in lieu thereof “\$750,000,000”.~~

3 (3) Subsection (d) of such section 6 is amended to read
4 as follows:

5 “(d) There is hereby authorized to be appropriated, for
6 the purpose of making grants under this section, \$70,000,000
7 for the fiscal year ending June 30, 1962, \$80,000,000 for
8 the fiscal year ending June 30, 1963, \$90,000,000 for the
9 fiscal year ending June 30, 1964, \$100,000,000 for the
10 fiscal year ending June 30, 1965, and \$100,000,000 for
11 the fiscal year ending June 30, 1966. Sums so appropriated
12 shall remain available until expended.”

13 (4) Section 6 is further amended by adding at the end
14 thereof the following new subsection:

15 “(f) The Surgeon General shall take such action as
16 may be necessary to insure that all laborers and mechanics
17 employed by contractors or subcontractors on projects for
18 which grants are made under this section shall be paid wages
19 at rates not less than those prevailing on the same type of
20 work on similar construction in the immediate locality, as
21 determined by the Secretary of Labor, in accordance with
22 the Act of March 3, 1931, as amended, known as the Davis-
23 Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through
24 276a-5).”

1 *SEC. 5. (a) Subsection (a) of section 8 of the Federal*
2 *Water Pollution Control Act is amended to read as follows:*

3 “ENFORCEMENT MEASURES AGAINST POLLUTION OF
4 NAVIGABLE WATERS

5 “SEC. 8. (a) The pollution of navigable waters in or
6 adjacent to any State or States (whether the matter causing
7 or contributing to such pollution is discharged directly into
8 such waters or reaches such waters after discharge into a
9 tributary of such waters), which endangers the health or
10 welfare of any persons, shall be subject to abatement as pro-
11 vided in this Act.”

12 (b) Paragraph (1) of subsection (c) of such section
13 is amended to read as follows:

14 “(c)(1) Whenever requested by the Governor of any
15 State or a State water pollution control agency, the Surgeon
16 General shall, if such request refers to pollution of navigable
17 waters which is endangering the health or welfare of persons
18 in a State other than that in which the discharge or dis-
19 charges (causing or contributing to such pollution) originates,
20 give formal notification thereof to the water pollution control
21 agency and interstate agency, if any, of the State or States
22 where such discharge or discharges originate and shall call
23 promptly a conference of such agency or agencies and of the
24 State water pollution control agency and interstate agency,

1 if any, of the State or States, if any, which may be ad-
2 versely affected by such pollution. Whenever requested by
3 the Governor of any State, the Surgeon General shall, if
4 such request refers to pollution of navigable waters which
5 is endangering the health or welfare of persons only in the
6 requesting State in which the discharge or discharges (caus-
7 ing or contributing to such pollution) originates, give formal
8 notification thereof to the water pollution control agency and
9 interstate agency, if any, of the requesting State where such
10 discharge or discharges originate and shall promptly call a
11 conference of such agency or agencies and of the State water
12 pollution control agency and interstate agency, if any, of the
13 requesting State, unless, in the judgment of the Surgeon Gen-
14 eral, the effect of such pollution on the legitimate uses of the
15 waters is not of such significance to warrant exercise of
16 Federal jurisdiction under this section. The Surgeon Gen-
17 eral shall also call such a conference whenever, on the basis
18 of reports, surveys, or studies, he has reason to believe that
19 any pollution referred to in subsection (a) and endangering
20 the health or welfare of persons in a State other than that in
21 which the discharge or discharges originate is occurring.”

22 (c) Paragraph (3)(A) of subsection (c) of such sec-
23 tion is amended by striking out “interstate” and inserting
24 in lieu thereof “navigable”.

25 (d) Subsection (d) of such section is amended by strik-

1 ing out "persons in a State other than that in which the
2 discharge originates" and insert in lieu thereof "any persons".

3 SEC. 6. Section 301(b) of the Water Supply Act of
4 1958 (72 Stat. 319), is amended by striking out all be-
5 ginning with "Provided," in the first proviso to the colon at
6 the end of the second proviso and inserting in lieu thereof
7 the following: "Provided, That the cost of any construction
8 or modification authorized under the provisions of this sec-
9 tion shall be determined on the basis that all authorized pur-
10 poses served by the project shall share equitably in the bene-
11 fits of multiple purpose construction, as determined by the
12 Secretary of the Army or the Secretary of the Interior, as
13 the case may be: Provided further, That before construction
14 or modification of any project including water supply pro-
15 visions for present demand is initiated, State or local inter-
16 ests shall agree to pay for the cost of such provisions in
17 accordance with the provisions of this section: And provided
18 further, That not to exceed 30 per centum of the total esti-
19 mated cost of any project may be allocated to anticipated
20 future demands where State or local interests give reason-
21 able assurances, and there is evidence, that such demands
22 for the use of such storage will be made within a period of
23 time which will permit paying out the costs allocated to water
24 supply within the life of the project".

A BILL

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

By Mr. KERR, Mr. CHAVEZ, Mr. MOSS, Mr. CASE
of South Dakota, Mr. BENNETT, Mr. MON-
RONEY, Mrs. NEUBERGER, Mr. RANDOLPH, Mr.
YARBOROUGH, Mr. LONG of Missouri, and Mr.
HART

JANUARY 5 (legislative day, JANUARY 4), 1961

Read twice and referred to the Committee on Public
Works

JUNE 7, 1961

Reported with amendments

Amend the title so as to read: "A bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, and for other purposes."

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

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For actions of June 22, 1961
87th-1st, No. 105

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HIGHLIGHTS: House passed housing bill. Rep. Michel criticized "secrecy" on certain REA loan applications. Senate subcommittee approved general Government matters-Commerce appropriation bill.

SENATE

1. SURPLUS GRAIN. Passed as reported S. 614, to permit the States in emergency situations to obtain grain from CCC to prevent starvation of resident game birds and other resident wildlife. The bill includes a committee amendment to also authorize the Secretary of the Interior to obtain CCC grain to prevent starvation of migratory birds. p. 10271
2. PUBLIC LANDS. Passed without amendment H.R. 6422, to authorize an exchange of public lands (including land now a part of the Dixie National Forest) at the Cedar Breaks National Monument, Utah. This bill will now be sent to the President. pp. 10270-1
3. WATER POLLUTION. Passed with amendments H.R. 6441, to extend the authorization for grants to States and interstate agencies to assist them in meeting the costs of establishing and maintaining adequate water pollution control measures, after substituting the language of a similar bill, S. 120, as amended. Conferees were appointed. pp. 10265-7, 10272-82
2. GENERAL GOVERNMENT MATTERS AND COMMERCE APPROPRIATION BILL, 1962. A subcommittee of the Appropriations Committee approved for full committee consideration this bill, H.R. 7577. p. D494

4. TAXATION. Passed without amendment H. R. 7446, to provide a 1-year extension of existing corporate normal-tax and of certain excise-tax rates. This bill will now be sent to the President. pp. 10242, 10251-2, 10259-63
5. FEED GRAINS. Both Houses received from this Department a report on the 1961 feed grains program. pp. 10240, 10363
6. FOREIGN AID. Sen. Williams, Del., submitted an amendment he intends to propose to S. 1983, the foreign aid bill, which he stated would "designate the Secretary of the Treasury to have sole responsibility for accounting and evaluation with respect to all foreign currencies or credits owed to or owned by the United States." pp. 10267-8
Sen. Fulbright inserted an article, "Handicaps of the Foreign Aid Proposal," and a letter from Secretary of the Treasury Dillon defending the President's proposal for authority to borrow funds from the Treasury over a 5-year period for the foreign aid program. pp. 10245-6
7. TEXTILE IMPORTS. Sen. Thurmond referred to a recent conference on international trade of textile products under the direction of George W. Ball, Under Secretary of State for Economic Affairs, and stated that "at this meeting, those of us in attendance learned what I had been suspecting for some time-namely, that instead of trying to decrease imports, Mr. Ball and his State Department trade 'experts' are determined to increase imports, to the further detriment of the domestic textile industry and its thousands of jobs." pp. 10248-51
8. ADJOURNED until Mon., June 26. p. 10284
9. EDUCATIONAL EXCHANGES. As reported (see Digest 99) S. 1154, the proposed Mutual Educational and Cultural Exchange Act of 1961, continues authority for U. S. participation in international fairs and expositions and authorizes the President to reserve any foreign currencies acquired under Public Law 480, over such periods of time as he determines, and to use such foreign currencies within limits established by Congress, for educational and cultural exchanges. The committee report includes the following statement regarding the use of foreign currencies: "Under S. 1154, appropriations are authorized on an 'available until expended' basis, and there is reaffirmation that all sources of foreign currencies may be utilized, subject to appropriations. In addition there are provisions which could stimulate less restricted use of such funds; for example, by employing U. S.-owned currencies of one foreign country in a 'third country.'"

HOUSE

10. HOUSING; FARM LOANS. By a vote of 235 to 178, passed with amendments H. R. 6028, the omnibus housing bill. Then passed a similar bill, S. 1922, substituting the language from H. R. 6028, as amended. House conferees were appointed. pp. 10288-312, 10313-51, A4685-6. (For provisions of interest to this Department, see Digest 95.)
Agreed to amendments by Rep. Marshall to make the pay of committeemen comparable with that for other work which they perform in carrying out Farmers Home Administration activities, and to prohibit committee members from having any responsibility for appraisals. pp. 10342-3
Rejected, 164 to 197, an amendment by Rep. McDonough authorizing a one-year housing program of more limited scope. pp. 10288-301
11. APPROPRIATIONS. The Appropriations Committee was granted until midnight tonight, Fri., June 23, to file a report on the defense appropriation bill. p. 10287

lot will be unknown to the election committee and to all other persons, and after the election committee has tallied the ballots and tabulated the votes, it shall certify the results of the ballot to the labor organization, the employer, the National Labor Relations Board, and the employees affected by such balloting.

"(b) If either the labor organization or the employer, as the case may be, pays any part of the share of the other party (as determined in subsection (a)(3)(B)) of the expenses of an election committee established pursuant to subsection (a)(3)(A), then it shall be entitled to recover from such other party an amount equal to the part of such share so paid and may sue therefor in any district court of the United States having jurisdiction of the defendant, without regard to the amount in controversy.

"(c) (1) Whoever shall be injured in his business or property by reason of any violation of subsection (a) may sue therefor in any district court of the United States without respect to the amount in controversy or in any other court having jurisdiction and shall recover the damages by him sustained and the cost of the suit. Such injured person may also petition any such district court for such injunctive relief or restraining order as such court may deem just and proper.

"(2) No labor organization which, during any taxable year which begins after the date of enactment of this section, violates subsection (a) shall be entitled to exemption from Federal income tax under section 501(a) of the Internal Revenue Code of 1954 for such taxable year.

"(3) No labor organization which violates subsection (a) shall, during the twelve-months' period following such violation, be certified or recognized as the representative of any employees by the National Labor Relations Board or any other department or agency of the Government, or be eligible to file an unfair labor practice charge under section 10(b) of the National Labor Relations Act, or to file with any department or agency of the Government any other charge, complaint, or petition as the representative of or on behalf of any employees.

"(d) Nothing contained in this section 306 shall affect other requirements of law as to secret ballots by labor organizations nor the conduct of votes of confidence by labor organizations."

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 325, S. 120.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (S. 120) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with amendments, on page 1, after line 5, to strike out:

(b)(1) Any Federal agency which, after the date of enactment of this subsection, is initiating plans for any reservoir or other water impoundment on interstate waters shall notify the Surgeon General of the initiation of such plans. The Surgeon General shall, in any case where it would promote water pollution control in such waters,

recommend storage needs, flow regulations, and other water quality control features with respect to such reservoir or impoundment which are necessary for such pollution control, and shall recommend such features to such agency for incorporation wherever possible in such plans. Any report to Congress recommending authorization of such plans shall include any such recommendations by the Surgeon General and the extent to which they were incorporated in the recommended plans.

(2) It is the intent of Congress that benefits resulting from water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this act shall be evaluated and the beneficiaries determined, and if benefits are widespread or national in scope or if the principal beneficiary is the general public in the area the costs of such features should be nonreimbursable."

And, in lieu thereof, to insert:

(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Surgeon General, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

On page 4, at the beginning of line 7, to strike out "and", and in the same lines, after "(B)", to insert "the Surgeon General may contract or make other arrangements for the use of such facilities as he may determine, and (C)"; on page 5, line 10, after the word "exceed", to strike out "\$25,000,000." and insert "\$25,000,000."; after line 10, to insert:

(e) The Surgeon General shall establish, equip, and maintain field laboratory facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of technical investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such activities might be carried out.

On page 6, line 10, after the word "exceeding", to strike out "\$400,000" and insert "\$500,000"; on page 7, line 7, after the word "year", to insert "following the fiscal year"; after line 23, to strike out:

(3) Subsection (d) of such section 6 is amended by striking out "\$50,000,000" and inserting in lieu thereof "\$75,000,000", and by striking out "\$500,000,000" and inserting in lieu thereof "\$750,000,000".

And, in lieu thereof, to insert:

(3) Subsection (d) of such section 6 is amended to read as follows:

"(d) There is hereby authorized to be appropriated, for the purpose of making grants under this section, \$70,000,000 for the fiscal year ending June 30, 1962, \$80,000,000 for the fiscal year ending June 30, 1963, \$90,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, and \$100,000,000 for the fiscal year ending June 30, 1966. Sums so appropriated shall remain available until expended."

At the top of page 9, to insert a new section, as follows:

SEC. 5. (a) Subsection (a) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"ENFORCEMENT MEASURES AGAINST POLLUTION OF NAVIGABLE WATERS

"Sec. 8. (a) The pollution of navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act."

(b) Paragraph (1) of subsection (c) of such section is amended to read as follows:

"(c) (1) Whenever requested by the Governor of any State or a State water pollution control agency the Surgeon General shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Surgeon General shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the requesting State where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the requesting State, unless, in the judgment of the Surgeon General, the effect of such pollution on the legitimate uses of the waters is not of such significance to warrant exercise of Federal jurisdiction under this section. The Surgeon General shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring."

(c) Paragraph (3)(A) of subsection (c) of such section is amended by striking out "interstate" and inserting in lieu thereof "navigable".

(d) Subsection (d) of such section is amended by striking out "persons in a State other than that in which the discharge orig-

inates" and insert in lieu thereof "any persons".

And, on page 11, after line 2, to insert a new section, as follows:

SEC. 6. Section 301(b) of the Water Supply Act of 1958 (72 Stat. 319), is amended by striking out all beginning with "Provided," in the first proviso to the colon at the end of the second proviso and inserting in lieu thereof the following: "Provided, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may be: *Provided further*, That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: *And provided further*, That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Federal Water Pollution Control Act is amended by inserting "(a)" after "SEC. 2." and inserting at the end of such section the following:

"(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

"(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Surgeon General, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

"(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

"(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable."

SEC. 2. (a) Section 4(a) of the Federal Water Pollution Control Act is amended by striking out "and" at the end of clause (4), by striking out the period at the end of clause (5) and inserting in lieu thereof a semicolon and the word "and", and by inserting at the end of such section the following:

"(6) establish, equip, and maintain research and field demonstration facilities, giving consideration in establishing such facilities to locations which will facilitate cooperation with institutions of higher education, and for the purposes of this clause

(A) the Surgeon General may acquire land and interests therein, accept in the name of the United States donations of property, real or personal, subject to such conditions as he may deem appropriate, and utilize uncompensated services, (B) the Surgeon General may contract or make other arrangements for the use of such facilities as he may determine, and (C) there is authorized to be appropriated not more than \$10,000,000."

(b) Section 4 of such Act is further amended by inserting at the end thereof the following:

"(d) (1) In carrying out the provisions of this section the Surgeon General shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

"(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

"(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

"(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.

"(e) The Surgeon General shall establish, equip, and maintain field laboratory facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of technical investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such activities might be carried out."

SEC. 3. Section 5(a) of the Federal Water Pollution Control Act is amended by striking out "June 30, 1961, \$3,000,000" and inserting in lieu thereof "June 30, 1966, \$5,000,000".

SEC. 4. Section 6 of the Federal Water Pollution Control Act is amended as follows:

(1) Clause (2) of subsection (b) of such section 6 is amended to read as follows: "(2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Surgeon General, or in an amount exceeding \$500,000, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That no grant of more than \$250,000 shall be approved for a project in any State until all previously filed qualified applications from that State and political subdivisions thereof for grants not exceeding \$250,000 have first been approved: *Provided further*, That, in the case of a project which will serve more than one municipality, the Surgeon General shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with re-

spect to each such share, and the total of all the amounts so determined shall be the maximum amount of the grant which may be made under this section on account of such project;"

(2) The third sentence of subsection (c) of such section 6 is amended to read as follows: "Sums allotted to a State under the preceding sentence which are not obligated at the end of the fiscal year following the fiscal year for which they were allotted because of a lack of projects which have been approved by a State water pollution control agency under subsection (b) (1) of this section or certified as entitled to priority under subsection (b) (4) of this section, shall be reallocated by the Surgeon General, on such basis as he determines reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section."

(3) Subsection (d) of such section 6 is amended to read as follows:

"(d) There is hereby authorized to be appropriated, for the purpose of making grants under this section, \$70,000,000 for the fiscal year ending June 30, 1962, \$80,000,000 for the fiscal year ending June 30, 1963, \$90,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, and \$100,000,000 for the fiscal year ending June 30, 1966. Sums so appropriated shall remain available until expended."

(4) Section 6 is further amended by adding at the end thereof the following new subsection:

"(f) The Surgeon General shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a-5)."

SEC. 5. (a) Subsection (a) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"ENFORCEMENT MEASURES AGAINST POLLUTION OF NAVIGABLE RIVERS

"SEC. 8. (a) The pollution of navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act."

(b) Paragraph (1) of subsection (c) of such section is amended to read as follows:

"(c) (1) Whenever requested by the Governor of any State or a State water pollution control agency, the Surgeon General shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies

and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Surgeon General shall, if such request refers to pollution of navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the requesting State where such discharge or discharges originate and shall promptly call a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the requesting State, unless, in the judgment of the Surgeon General, the effect of such pollution on the legitimate uses of the waters is not of such significance to warrant exercise of Federal jurisdiction under this section. The Surgeon General shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring."

(c) Paragraph (3)(A) of subsection (c) of such section is amended by striking out "interstate" and inserting in lieu thereof "navigable".

(d) Subsection (d) of such section is amended by striking out "persons in a State other than that in which the discharge originates" and insert in lieu thereof "any persons".

SEC. 6. Section 301(b) of the Water Supply Act of 1958 (72 Stat. 319), is amended by striking out all beginning with "Provided," in the first proviso to the colon at the end of the second proviso and inserting in lieu thereof the following: "Provided, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may be: *Provided further*, That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: *And provided further*, That not to exceed 30 percentum of the total estimated cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project".

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF THE MUTUAL SECURITY ACT

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amend-

ment to Senate bill 1983, the Mutual Security Act.

The purpose of the amendment is to require a greater degree of accountability on the part of the ICA and all the other agencies of the Government in regard to their expenditure of the counterpart funds and the various other foreign currencies which are in the possession of the U.S. Government. I was very much concerned to learn that under existing conditions there is no real accounting being made of these currencies. Much to my surprise, and I think to the surprise of most of the members of our committee, we found that there is at the moment no agency of Government, nor anyone connected with any agency of Government, who can with any degree of accuracy tell the President of the United States or Congress how many of these currencies we have on hand as of any given day.

For example, the report which the ICA sent to the Congress, giving the dollar equivalent of their holdings of foreign currencies as of the close of the fiscal year, June 30, 1959, showed that they had \$1,698,343,000 in dollar equivalents of foreign currencies on hand when they closed business on the night of June 30, 1959. However, when they opened up for business on the following day, the first day of the new fiscal year, July 1, 1959, the report showed they had on hand the dollar equivalent of \$1,344,440,000, or a drop of some \$300 million overnight.

First they attempted to explain this wide variation on the basis that there was a difference in the evaluation of these currencies and that they had re-evaluated them. However, I found in several instances that the currencies of the respective countries had not changed in valuation. Yet in the report to the Congress concerning these countries they lost several million dollars.

For example, Germany has had a stable currency; yet in their report ending June 30, 1959, they reported holdings with a dollar equivalent of \$33,541,000. The same agency's report—International Cooperation Administration—showed holdings of only \$29,443,000—a drop overnight of over \$4 million.

The German mark had not changed in value to account for this discrepancy.

The Treasury Department and Mr. Labouisse speaking for ICA finally admitted that their accounting systems were inadequate and that none of them knew what they had on hand. I am not saying that they cannot produce records to show what they have on hand in these currencies or what they have spent them for, but I do say that there is a wide discrepancy in the accounting systems of the agencies as they are now being reported to the Congress.

Another alarming situation which I found was that in one specific instance we have agencies of the Government operating in one country using five different exchange rates simultaneously. For example, in Yugoslavia, the exchange rates of the Yugoslav dinar were fixed at 300 to the dollar, 350, 475, 525, and 632 to the American dollar—all in one report.

And in one instance they used these exchange rates as high as 1,500 to a dollar.

The result is that none of them knew what they were doing. The Government could not get enough accountants to keep the records straight under such circumstances.

I emphasize again that I am not making any charges of impropriety, but a situation such as this is wide open for mismanagement and abuse. Certainly no one knows what they are doing. No agency with any degree of accuracy can handle these currencies in any country at four or five different exchange rates on the same day.

The amendment which I am introducing would designate the Secretary of the Treasury to have sole responsibility for accounting and evaluation with respect to all foreign currencies or credits owed to or owned by the United States. In order to carry out such responsibility the Secretary is instructed to issue regulations which would be binding upon all agencies of the Government.

The Secretary of the Treasury would have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies were to be used by all agencies of the Government.

Today each agency fixes its own exchange rate. That is why we have the situation of different agencies using different rates at the same time.

The amendment would give to the Secretary of the Treasury the responsibility to establish and fix all rates of exchange. If he wanted to change the exchange rates as the markets fluctuated he would have the authority to do so, but only he would have such authority. With all agencies using the same rates of exchange the chance for abuse would be reduced.

In addition, the amendment provides that each agency or department will be required to report to the Secretary of the Treasury an inventory as of June 30, 1961, showing the amount of all foreign currencies on hand in each of the respective countries, and the Secretary of the Treasury is then instructed to consolidate these reports as of the same date and submit to the Congress this consolidated report, broken down by agencies, countries, and units of foreign currencies and their dollar equivalents. Thereafter, semiannually similar reports are to be submitted by the agencies to the Treasury Department and then a consolidated report submitted to the Congress by the Secretary of the Treasury.

Under the amendment the Comptroller General is instructed to audit this first Treasury Department's report being submitted as of June 30, 1961, and to report to the Congress his findings. Thereafter, the Comptroller General is given discretionary authority on the auditing of subsequent reports as they are filed by the various departments with the Congress.

This amendment is being offered to the mutual security bill, and I am hopeful that the committee will see fit to approve it.

For the last several months I have been trying to find out the status of these foreign currencies, how many we have on hand, and what we are doing with them. I have come to one conclusion. I cannot reconstruct their operations. I cannot find out what we have on hand or what they are worth. I have come to one further conclusion, and that is that nobody else in the Government knows how much we have on hand.

The disturbing part of it is that there is no real concern at the executive level to find out. In the last 5 years these foreign currencies have amounted, in dollar equivalent, to \$6¾ billion. We are supposed to have on hand, in dollar equivalent, somewhere between \$1½ billion and \$2 billion. Certainly, it is a sad state of affairs when Members of Congress or members of the committee must stand up and state that they cannot give within a few hundred million dollars the amount of these foreign currencies which we have on hand. This condition exists because of the loose bookkeeping practices of the agencies making the reports.

The Secretary of the Treasury and Mr. Labouisse, the Director of ICA, in testifying before the committee, acknowledged that their records are inadequate. They admit they do not have proper records. They also endorsed the enactment of a law which puts in the hands of the Secretary of the Treasury the responsibility to fix the rates at which the foreign currencies will be sold and bought by all agencies.

I do not mean to leave the impression that the language of this particular amendment has been endorsed by these agencies, but the principle of the need for placing in the hands of the Secretary of the Treasury such authority has been confirmed.

The language of the amendment which I am introducing here today is very necessary.

The American taxpayers are entitled to an accurate accounting by these agencies which spend their money.

Certainly, if the U.S. Government found the books of a taxpayer being kept in any such loose manner the Department of Justice would raise a howl.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Foreign Relations.

FORT VANCOUVER NATIONAL MONUMENT, WASH.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 403, H.R. 3283.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 3283) to revise the boundaries and to change the name of Fort Vancouver National Monument in the State of Washington, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement in regard to the purpose of the measure.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The principal purpose of H.R. 3283 is to permit the addition to the Fort Vancouver National Monument, Wash., of approximately 130 acres of land most of which is already in Federal ownership. H.R. 3283 will also redesignate the monument as the Fort Vancouver National Historic Site. Introduction was requested by the Department of the Interior in an executive communication dated January 12, 1961, and the request was confirmed by Secretary Stewart Udall in writing on March 3, 1961.

NEED

The act of June 19, 1948 (62 Stat. 532), by which Fort Vancouver was established as a national monument, limited to the monument area to 90 acres. Fort Vancouver was headquarters for trading operations of the Hudson's Bay Co. from 1829 to about 1850. It was also the site of an important Army post for many years.

The Interior Department has conducted further studies of Fort Vancouver and its immediate vicinity since 1948 and has concluded that there is need for the inclusion of additional lands within the monument boundaries if its purposes are to be fully served. The executive communication referred to above points up the need thus:

"Much of the historically significant land associated with the old fort lies outside the present monument boundary. This land in 1845 contained important facilities of the Hudson's Bay Co. such as residences, schools, a stable, and mill. In addition, a substantial portion of these lands lies between the old fort site and the Columbia River. To interpret successfully the historic features and scene of Fort Vancouver, it is essential that a clear view of the Columbia River be maintained, since the proximity of the river was a primary factor in the location of the fort at this point."

COST

All except 5 of the 130 acres covered by H.R. 3283 are already in Federal ownership and subject to transfer to National Park Service administration as they become excess to the needs of the agencies administering them. The other 5 acres are now within a highway right-of-way which may soon be abandoned. If this occurs it may be found that they are also in Federal ownership; if they are not so found, the cost of acquiring them will be very low.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 3283) was ordered to a third reading, was read the third time, and passed.

BLUE RIDGE PARKWAY, VA.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 405, H.R. 5475.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 5475) to transfer a section of Blue Ridge Parkway to the Shenandoah National Park, in the State of Virginia, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement in regard to the purpose of the measure.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to transfer the administration of about 1,000 acres of land, some of which is owned in fee by the United States and some of which is covered by scenic easements held by the United States, from the Blue Ridge Parkway to the Shenandoah National Park, Va.

H.R. 5475 was introduced by Representative HARRISON of Virginia following the request that this be done contained in the executive communication from the Department of the Interior dated January 12, 1961. The request was affirmed by Secretary Udall in his letter dated March 3, 1961.

NEED

The committee was advised that enactment of H.R. 5475 will permit more effective and more efficient administration and protection of the lands to which it pertains than is now the case. The laws establishing the park and the parkway are such, the committee understands, that the transfer cannot be effected administratively.

COST

Enactment of H.R. 5475 will not entail any cost to the United States.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 5475) was ordered to a third reading, was read the third time, and passed.

SCOTTS BLUFF NATIONAL MONUMENT, NEBR.

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 406, H.R. 5760.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 5760) to revise the boundaries of the Scotts Bluff National Monument, Nebr., and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a statement in regard to the purpose of the measure.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

H.R. 5760, if enacted, will permit revision of the present boundaries of the Scotts Bluff National Monument to exclude certain lands from it and to include others within it. The net result of the revision will be a reduction in the size of the monument by somewhat more than 350 acres. The result will also be a reduced cost of acquiring private lands within its boundaries.

We suggest that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill proposes certain boundary adjustments which would exclude approximately 129 acres of land from the northwest section of the monument and add to its southeast portion approximately 111 acres.

The Cedar Breaks National Monument, situated high on the Markagunt Plateau in southwest Utah, was established by proclamation of the President on August 22, 1933, for the preservation of spectacular cliffs, canyons, and features of scenic, scientific, and educational interest. The lands proposed for addition to the monument are in Federal ownership as a part of the Dixie National Forest. We understand that their transfer for the purposes of the monument meets with the approval of the U.S. Forest Service. Their inclusion would place within the monument those relatively short sections of the rim drive which now lie outside its boundary, on national forest lands. This drive is the route by which visitors to the monument reach main points of interest on the rim of the canyon bowl. These lands would provide an adequate buffer zone between the boundary and the rim of the canyon within which grazing could be eliminated. Protection would also be afforded a spectacular alpine flower meadow and unsightly fencing could be relocated beyond the view of visitors.

The lands proposed for exclusion would become a part of the Dixie National Forest. The park values of the lands proposed for exclusion are secondary and are not required for any foreseeable use. Their exclusion will result in a more natural boundary for this section of the monument; namely, the vertical ledge which forms the rim of the canyon.

No land acquisition costs are involved in this proposal. Approximately \$8,400 would be needed for the relocation of boundary fencing.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,

Assistant Secretary of the Interior.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 6422) was ordered to a third reading, was read the third time, and passed.

USE OF SURPLUS GRAIN FOR EMERGENCY FEEDING OF BIRDS AND WILDLIFE

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 410, Senate 614.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 614) to authorize the use of surplus grain by the States for emergency use in feeding of resident game birds and other wildlife and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Com-

mittee on Agriculture and Forestry, with amendments, on page 1, line 6, after the word "upon", to insert "the request of the State fish and game authority or other State agency having similar authority and"; in line 10, after the word "other", to insert "resident," and on page 2, after line 11, to insert a new section, as follows:

Sec. 2. Upon a finding by the Secretary of the Interior that migratory birds are threatened with starvation in any area of the United States, the Secretary is authorized to requisition from the Commodity Credit Corporation grain acquired by that Corporation through price support operations in such quantities as may be mutually agreed upon. The Corporation shall be reimbursed by the Secretary for its expense in packaging and transporting of such grain for purposes of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of meeting emergency situations caused by adverse weather conditions or other factors destructive of important wildlife resources, the States are hereby authorized, upon the request of the State fish and game authority or other State agency having similar authority and a finding by the Secretary of the Interior that any area of the United States is threatened with serious damage or loss to resident game birds and other resident wildlife from starvation, to requisition from the Commodity Credit Corporation grain acquired by the Corporation through price support operations. Such grain may thereafter be furnished to the particular State for direct and sole utilization by the appropriate State agencies for purposes of this Act in such quantities as mutually agreed upon by the State and the Commodity Credit Corporation and subject to such regulations as may be considered desirable by the Corporation. The Corporation shall be reimbursed by the particular State in each instance for the expense of the Corporation in packaging and transporting such grain for purposes of this Act.

Sec. 2. Upon a finding by the Secretary of the Interior that migratory birds are threatened with starvation in any area of the United States, the Secretary is authorized to requisition from the Commodity Credit Corporation grain acquired by that Corporation through price support operations in such quantities as may be mutually agreed upon. The Corporation shall be reimbursed by the Secretary for its expense in packaging and transporting of such grain for purposes of this Act.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation for its investment in grain transferred pursuant to this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record at this point a statement in regard to the purpose of the measure.

There being no objection, the statement was ordered to be printed in the Record, as follows:

This bill, with the committee amendments, permits the States in emergency situations to obtain grain from Commodity Credit Corporation to prevent starvation of resident game birds and other resident wildlife. Such grain would be furnished only upon (1) the request of the State fish and game authority or other State agency having similar authority, (2) a finding by the Secretary of the Interior of the threat of loss from starvation, (3) requisition by the

State, and (4) agreement by the State and the Commodity Credit Corporation. The Corporation would be reimbursed for its expense in packaging and transporting the grain.

The Secretary of the Interior would similarly be authorized to obtain grain to prevent starvation of migratory birds.

The committee amendments would—

(1) Require concurrence by the State fish and game authority, since, as indicated in the attached report from the Department of the Interior, unneeded feeding may be harmful to wildlife;

(2) Restrict State operations under the bill to resident wildlife;

(3) Provide the Secretary of the Interior with authority to obtain grain to prevent starvation of migratory birds; and

(4) Amend the title so as to describe the provisions of the bill as amended more precisely.

The last three enumerated amendments were suggested by the Departments of the Interior and Agriculture.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill (S. 614) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the use of Commodity Credit Corporation owned surplus grain by the States for emergency use in the feeding of resident game birds and other resident wildlife; to authorize the use of such surplus grain by the Secretary of the Interior for emergency use in the feeding of migratory birds, and for other purposes."

ACCEPTANCE OF AGREEMENT ESTABLISHING THE CARIBBEAN ORGANIZATION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 413, House Joint Resolution 384.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 384) providing for acceptance by the United States of America of the agreement for the establishment of the Caribbean Organization signed by the Governments of the Republic of France, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record at this point a statement in regard to the purpose of the measure.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The main purpose of the joint resolution is to dissolve the Caribbean Commission, which is composed of France, the Nether-

lands, the United Kingdom, and the United States, and to create the Caribbean Organization, which will be composed of the Caribbean territories of the aforementioned states. This purpose is accomplished through acceptance by the United States of an agreement among the four metropolitan powers authorizing their Caribbean dependencies to participate in the Caribbean Organization.

BACKGROUND

In 1942, the United States and Great Britain established through executive action the Anglo-American Caribbean Commission, primarily to deal with wartime problems of the British and American islands in the Caribbean. In 1946, these two powers were joined by France and the Netherlands in establishing the Caribbean Commission with the broader purpose of carrying on research and technical assistance aimed at promoting regional development. U.S. participation in the Caribbean Commission was authorized by Congress in a joint resolution approved March 4, 1948.

One of the subsidiary organizations of the Caribbean Commission has been the West Indian Conference in which the dependent territories of the four powers in the Caribbean have been represented directly. The conference has met biennially, and beginning in 1952 it has repeatedly requested the four member governments of the Commission to revise the agreement so as to reflect the growth of self-government in the Caribbean since 1946. Negotiations to this end culminated in 1960 with the signing of an agreement by the four powers to create the Caribbean Organization.

PROVISIONS

The joint resolution itself contains only four operative provisions: (1) It authorizes the President to accept on behalf of the United States the agreement establishing the Caribbean Organization; (2) it authorizes the participation of Puerto Rico and the Virgin Islands in the Organization; (3) it makes available to the Organization, upon promulgation of an Executive order, the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act; and (4) it authorizes the Secretary of State to appoint a U.S. observer to the Organization.

The statute of the Caribbean Organization is an integral part of the agreement among the four powers. Except for the French territories, which will continue to be represented by France, the members of the Caribbean Organization will be, not the metropolitan powers, but the territories, commonwealths, or other possessions of those powers in the Caribbean area. So far as the United States is concerned, the members will be Puerto Rico and the Virgin Islands. Other territories eligible to participate are the Netherlands Antilles, Surinam, British Guiana, the West Indies, the Bahamas, British Honduras, and the British Virgin Islands, though the last three have indicated that they do not intend to participate at this time. In addition, French Guiana, Guadeloupe, and Martinique, which are constitutionally Departments of the Republic of France, will participate and will be represented by France.

Each member of the Organization will have one delegate with one vote, except that France will have one delegation with three votes, reflecting French membership on behalf of three departments.

The Organization is to concern itself with "social, cultural, and economic matters of common interest to the Caribbean area, particularly agriculture, communications, education, fisheries, health, housing, industry, labor, music and the arts, social welfare, and trade." It may make studies and recommendations, assist in the coordination of local projects of regional significance, arrange for or provide technical guidance not other-

wise available, and, subject to certain conditions, make contracts or agreements for technical assistance with other international or national organizations. It may also establish auxiliary bodies.

Expenses of the Organization are to be met by its members—not the four powers—in proportions to be unanimously agreed to. A preliminary agreement has been reached for an annual budget of \$316,000, of which Puerto Rico would contribute \$140,000 (44.3 percent) and the Virgin Islands \$25,000 (7.98 percent). The United States currently contributes 38.4 percent of the Caribbean Commission's budget (in 1959, \$140,476 out of \$365,823).

The agreement specifically provides that nothing in it is to affect "the present or future constitutional status of the Members of the Organization." Further, any of the four powers signatory to the agreement can withdraw from the agreement at any time on 1 year's notice, and such action would automatically deprive its territories of membership in the Organization. Each of the four powers is also entitled to be represented at all meetings held under the auspices of the Organization by observers with the right to speak but not to vote. No other governments may be represented without the unanimous approval of the observers as well as a unanimous vote of the Organization. Finally, amendment of the statute of the Organization requires the unanimous approval of the members of the Organization as well as of the four powers.

It is contemplated that when the Organization comes into being, the headquarters of the Commission, which are now located in Trinidad, will be moved to Puerto Rico. It is also expected that, at this time, the President will issue an Executive order, under the terms of the joint resolution, extending to the organization the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act. These are the same privileges now extended to 29 international organizations (including the Caribbean Commission). The precise nature of these privileges is spelled out in a statement submitted to the committee by the Department of State and included in the hearings. In general, the organizations themselves are given legal capacity to contract, to acquire and dispose of property, and to institute legal proceedings. Their alien employees are exempt from certain taxes, as are individuals representing foreign governments in such organizations.

COMMITTEE ACTION

Congressional approval of the agreement establishing the Caribbean Organization was requested by the Secretary of State January 19, 1961, and the administration draft joint resolution was introduced by Senator FULBRIGHT, by request, on April 18 as Senate Joint Resolution 75. On May 2, the Foreign Relations Committee held a hearing at which Antonio Fernós-Isern, the Resident Commissioner of Puerto Rico; John W. Hanes, Jr., U.S. Co-Chairman, Caribbean Commission; and Abram Chayes, Legal Adviser, Department of State, all supported the joint resolution.

On June 21, the committee considered the matter further. In the meantime, a companion resolution, House Joint Resolution 384, had passed the House on May 15; and accordingly, it is the House resolution which the committee agreed to report to the Senate.

CONCLUSION

The committee regards the formation of the Caribbean Organization as a logical progression in the growth of self-government among the dependent territories of the area since World War II. In this period, for example, Puerto Rico has become a Commonwealth; Surinam and the Netherlands Antilles are self-governing within the Kingdom of the Netherlands; French Guiana, Guade-

loupe, and Martinique have become Departments of France; and the West Indies are self-governing and scheduled for independence next May.

The Caribbean Commission has provided a useful mechanism for regional consultation and economic research as well as for modest amounts of technical assistance. Residents of the area have played an increasing role in the work of the Commission, and it seems to the committee appropriate that this role now be formalized and carried a step further through disbanding the Commission and replacing it with the Organization.

This will give the islands involved additional responsibility (which, in the committee's judgment, they are well qualified to assume), but it will not alter constitutional relationships.

In the opinion of the Legal Adviser of the Department of State, in which the committee concurs, the Caribbean Organization does not fall within the prohibition of article I, section 10 of the Constitution to the effect that "No State shall enter into any Treaty Alliance or Confederation." The same section provides that "No State shall, without the Consent of Congress * * * enter into any Agreement or Compact with another State, or with a foreign Power * * *." Further, article IV, section 3, of the Constitution provides that, "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

The Caribbean Organization is not a "treaty, alliance, or confederation," but rather an "agreement or compact," and approval of participation by Puerto Rico and the Virgin Islands is a legitimate exercise of the Congressional power to "make all needful Rules and Regulations respecting the Territory * * * belonging to the United States." It should also be emphasized that the Organization is to be purely advisory and that the United States can withdraw from the agreement at any time on a year's notice, thereby automatically terminating the membership of Puerto Rico and the Virgin Islands.

For the reasons set forth above, the committee recommends that the Senate give its approval to House Joint Resolution 384.

THE PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 384) was ordered to a third reading, was read the third time, and passed.

RED CHINA AND THE UNITED NATIONS

MR. CAPEHART. Mr. President, as a member of the Committee on Foreign Relations it is my personal judgment that very, very strenuous efforts will be made to bring the Red Chinese into the United Nations. This body—and every individual Senator—should be giving serious thought to this problem. I am one who believes that we in the Congress—particularly we in the Senate, who have to act on treaties—should meet the problem head on.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961

The Senate resumed the consideration of the bill (S. 120) to amend the Federal Water Pollution Control Act to provide

for a more effective program of water pollution control.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I suggest that the attachés call the offices of Senators and ask them to please be in the Chamber as soon as possible.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

VISIT TO THE SENATE BY HAYATO IKEDA, PRIME MINISTER OF JAPAN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I move that the Chair be authorized to appoint a committee to escort the Prime Minister of Japan into the Senate Chamber to address the Senate, if he so desires, while the Senate stands in recess.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Is there objection? The Chair hears none, and it is so ordered.

The Chair appoints, as a committee to escort the Prime Minister into the Chamber, the Senator from Montana [Mr. MANSFIELD], the Senator from Illinois [Mr. DIRKSEN], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Iowa [Mr. HICKENLOOPER].

Whereupon, at 2 o'clock and 39 minutes p.m., the Senate took a recess, subject to the call of the Chair.

The Senate being in recess, His Excellency, Hayato Ikeda, Prime Minister of Japan, escorted by the committee appointed by the Presiding Officer, entered the Chamber, and took the seat assigned to him immediately in front of the Presiding Officer.

The VICE PRESIDENT. The Senate will be in order. The book of history will deal most prominently with the names of the men who dedicate their lives to bringing about peace and plenty for their people.

We are highly privileged and greatly honored to have such a man in our midst today. It is a great tribute to our civilization, our society, and the institutions that serve it that we can meet here in such a peaceful and cordial surrounding with the great leader and spokesman of a nation with whom we were at war only 16 years ago.

The Prime Minister of Japan has had fruitful and profitable discussions with the President of our country and with the legislative leaders in both parties in both branches.

We welcome him warmly to the Senate this afternoon. It is now my great honor and my prized privilege to present to the Members of the Senate the Prime Minister of Japan, Mr. Ikeda.

[Applause, Senators rising.]

Prime Minister Hayato Ikeda thereupon addressed the Senate in Japanese, at the conclusion of which his address was interpreted by Mr. Toshiro Shimanoichi, Counsellor of the Foreign Ministry, as follows:

Mr. President, Members of the Senate. It is a great honor that you have bestowed upon me in inviting me to this time-honored Hall of freedom and democracy. On this present trip to the United States I have had the great pleasure of meeting with your President and other leaders of your Government to discuss freely, frankly, and in friendly fashion the problems of mutual interest and concern to both our countries.

I am happy to report to you today that we have agreed on a common approach to the problems of peace and security in this world. [Applause.]

I believe that by our talks and intimate contact we have laid the basis for a stronger and a more effective partnership between the United States and Japan. [Applause.]

Thank you very much for your warm reception. [Applause, Senators rising.]

The VICE PRESIDENT. I know the Senate will be pleased to welcome the very gracious and charming wife of the distinguished Prime Minister who sits in the front row of the diplomatic gallery. [Applause, Senators rising.]

The distinguished majority leader has suggested that the Prime Minister go to the well of the Chamber, accompanied by the minority leader, the chairman of the Committee on Foreign Relations, the majority leader, and the ranking member of the Committee on Foreign Relations, there to exchange greetings with each individual Senator at this time.

The Prime Minister was escorted to a position on the floor of the Senate in front of the Vice President's desk and was there greeted by Members of the Senate, who were introduced to him by Mr. MANSFIELD, Mr. DIRKSEN, Mr. FULBRIGHT, and Mr. HICKENLOOPER.

Following the informal reception, the Prime Minister was escorted from the Chamber.

At 3 o'clock and 2 minutes p.m., the Senate reassembled, when called to order by the Vice President.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961

The Senate resumed the consideration of the bill (S. 120) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

Mr. KERR. Mr. President, I rise to address myself to Senate bill 120, the pending business.

The 1956 Water Pollution Control Act broadened and strengthened earlier legislation by providing grants for the construction of municipal waste treatment facilities, grants to improve and strengthen State and interstate programs, more workable Federal enforcement, more effective research, and collection of basic data.

During the 5 years preceding passage of the 1956 act, the construction of municipal waste treatment works averaged only \$222 million annually. For the ensuing 5 years that the grants provisions have been in effect, contract awards for this construction have averaged \$360 million annually, and over 2,600 projects costing \$1.2 billion have been approved. This is a 62-percent increase in construc-

tion. Also, for each Federal grant dollar, there has been an expenditure of \$4.80 in local funds. A 1960 survey by the State water pollution control agencies shows that the present backlog is still more than 5,000 projects, with an estimated cost of nearly \$2 billion. To eliminate this longstanding backlog, and to keep up with the new needs due to population growth and continuing obsolescence of existing plants, will require annual average construction levels of \$600 million.

The acceleration of the program of sewage plant construction is certainly one of the most necessary activities in order to clear up our streams and lakes. However, sewage treatment as it has been practiced in American communities, too often consists of treating the sewage by mechanical and biological means to remove the more objectionable solids and discharge the residual or effluent to a watercourse, such as a stream or lake. The treatment methods in use today are generally those which were developed some 30 to 40 years ago, and have been reasonably adequate for meeting past needs.

Even with today's intensity of water use, it is necessary for water to be used and reused. The rate of reuse will continue to increase with growing demands for water. With each reuse, new foreign substances are added so that even after sewage treatment, the suitability of the water for further use is progressively impaired. This means that water must be freed of all undesirable foreign substances, including viral and harmful bacteria, new organic materials resistant to treatment, detergents, nutrients, mineral salts, radioactive contaminants, and other pollutants. Very little research money has been put into this field due to the fact that sewage research activities are almost entirely dependent on public support. By comparison, the biological know-how in industry has been relatively far advanced by the heavy investments industry has allocated to scientific research.

The highest degree of sewage treatment by present methods is generally called complete treatment, that is, a high percentage of suspended solids and biochemical oxygen demand—b.o.d.—is removed. In complete treatment employing the activated sludge process, removals of 85 to 90 percent of the b.o.d. and 85 to 90 percent of the suspended solids are possible. Generally, the percentage of removal is about 85 percent. It has been mentioned that in 1957, the discharge of treated sewage by our larger metropolitan areas, which realized over 85-percent removals, often has the same effect as discharging the raw sewage from over 1 million people.

There is every reason to believe that a vigorous research attack on waste treatment problems would lead to breakthroughs and new processes which will make it possible to handle ever-increasing wasteloads, and even to restore streams to a state approaching their original natural purity. Present and predicted needs reveal that a basic research project should be initiated immediately, because it would no doubt take some time before the results would have

a significant impact on municipal sewage treatment facilities.

If all waste or all water deteriorating elements could be removed by treatment, a region's water supply could be used over and over. Even though removal or treatment could approach 100 percent, there would still be an oxygen demand induced by treatment itself, which under presently known technology, can be offset only by an adequate flow of water in the stream. Also, water being stored and released at the proper time, can do much toward reducing the temperature of water, thus reducing the polluting effect of heat. Water of good quality could be stored and released and mixed with water of lesser quality, thereby perhaps making it suitable for various uses.

The committee felt that extension of Federal enforcement to include navigable waters, as well as interstate waters, would seem to be needed in view of the limitation imposed in connection with enforcement laws now in effect. In other words, many coastal waters are now excluded, as well as waters, although they may be navigable, which do not cross or form parts of State boundaries. In addition, it would be helpful to States, in coping with water pollution problems, if the Federal Government were permitted, upon request of the Governor, to enter into intrastate cases. The States should, however, exhaust every resource available to them before asking for Federal assistance.

The Water Supply Act of 1958 authorizes the Corps of Engineers and the Bureau of Reclamation to include capacity in reservoirs for municipal and industrial water supplies, along with capacity for other purposes. The act provides for the repayment of these costs with interest. It provides that capacity may be included for present and anticipated future demands and that not to exceed 30 percent of the total cost of any project constructed by these agencies may be allocated to anticipated future demands. The present law has been interpreted, in certain instances, to mean that firm contracts must be entered into for that portion set aside for future demands, as well as present demands, however, the original intention was that only reasonable assurances of use and repayment need to be obtained with respect to the capacity set aside for future demands. There is a need to amend this particular provision because in many instances, projects are being planned which, along with flood control, hydropower, and so forth, offer opportunities for the storage of water for future municipal and industrial demands, but there is no entity with whom to contract. In many cases, it is probable that if an adequate quantity of water is available, the natural resources of an area will be developed whereas, without the availability of such a supply, there would be no opportunity for such development. It would seem that when reservoir projects are being planned, the full potentials of the site should be developed as an "insurance" for the future. It would appear to be appropriate to include capacity for future demands on the basis of

studies and analysis of future potential uses without requiring a firm contract.

One purpose of S. 120, as amended, is to extend the authorization for grants to States and interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution. The present authorization in the amount of \$3 million annually will expire during fiscal year 1961 and this bill would authorize a continuation of this program for an additional 5 fiscal years and would increase the grants to \$5 million annually.

The bill would authorize an increase in construction grants from \$50 million annually to \$70 million for fiscal year 1962, \$80 million for fiscal year 1963, \$90 million for fiscal year 1964, \$100 million for fiscal year 1965, and \$100 million for fiscal year 1966.

It would increase a top limit on individual grants at \$500,000 or 30 percent of the project cost, whichever is the smaller. It would also permit several communities to join together in constructing joint facilities and each could obtain the maximum allowable grant. Thus, in the case of three communities a total grant of up to \$1.5 million might be obtained. The bill would protect communities having filed qualified applications which do not exceed \$250,000. It provides for a reallocation of funds among the States; however, such reallocation is not permitted during a period of 2 years.

The bill has several provisions not in existing law which are of great importance.

First. Authority for Federal agencies to include capacity in reservoirs for water quality control. This capacity not to be a substitute for adequate treatment of sewage. A determination would be made of the benefits of such capacity and an appropriate share of the cost allocated to this purpose. Beneficiaries would be determined and if the benefits are widespread or national in scope, the costs of such capacity would be nonreimbursable.

Second. There would be authorized the establishment of research and demonstration facilities to study and determine practicable means of treating municipal sewage and other waterborne waste to remove the maximum amount of physical, chemical, and biological pollutants. There would be authorized \$10 million for the establishment of a research and demonstration center and \$5 million annually would be authorized for 5 years for the purpose of conducting required studies and developing new methods of treatment or treatment plant construction. The program would also include the development of prototypes or models to demonstrate results of research findings.

Third. Authority for the establishment of field laboratories in various parts of the country for research and demonstrations in water pollution control.

Fourth. The requirement that such action as may be necessary be taken to insure payment of wages on treatment construction projects, at not less than

those prevailing on construction in the immediate locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act.

Fifth. The expansion of Federal pollution abatement authority to all navigable waters, including authority to enter into intrastate water pollution cases upon request of the Governor.

The bill would also make changes in the Water Supply Act of 1958, which would permit the inclusion of capacity in Corps of Engineers or Bureau of Reclamation reservoirs for future water supplies on the basis that repayment contracts need not be entered into until such capacity is first used.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of amendment.

THE PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

Mr. CASE of South Dakota. Mr. President, reserving the right to object, I have been asked some questions as to the effect of the so-called Moss amendment, which was an amendment in controversy in the committee.

I wonder if the chairman of the committee would object to excluding from his request the so-called Moss amendment, in order that it might be voted upon automatically and separately.

Mr. KERR. I say to the Senator, I hope the amendments agreed to by the committee may be, by unanimous consent, agreed to en bloc and considered a part of the text of the bill, reserving to any Member of the Senate the right to make a motion to strike any amendment if he so desires. Of course, the request can be made only for unanimous consent.

THE PRESIDING OFFICER (Mr. McNAMARA in the chair). Is there objection to the request of the Senator from Oklahoma?

Mr. CASE of South Dakota. Mr. President, I should like to have that one amendment held up temporarily. There have been some questions asked concerning it. I should like to insure consideration of the amendment without the necessity of having a separate motion to strike.

Mr. KERR. Mr. President, I ask unanimous consent that all of the other committee amendments be agreed to en bloc, and that the bill as thus amended be considered as original text for the purpose of amendment.

THE PRESIDING OFFICER. Is there objection to the present request of the Senator from Oklahoma? The Chair hears none, and, without objection, the committee amendments, except the first, are agreed to en bloc, and considered original text.

Mr. KERR. Mr. President, I now ask unanimous consent that I may offer an amendment which I regard as a technical amendment: On page 11, line 21, add the word "reasonable" after the word "is".

THE PRESIDING OFFICER. Is there objection to the request of the Senator

from Oklahoma? The Chair hears none.

The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KERR. Mr. President, with the amendments thus provided, and the bill subject to further amendment, I urge the passage of S. 120.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. KUCHEL. Mr. President, the problem of inadequate sewage treatment works and trunk lines is one which faces almost every city in our Nation, but these inadequacies are especially critical in areas of exploding population. With the high costs of construction and the need to plan and to develop systems to a capacity capable of handling the estimated populations of two decades or more from now, it is especially difficult for the smaller cities near a major metropolitan center to meet their responsibilities in this area. Certainly, the great purpose of the original Water Pollution Control Act has been particularly to aid these smaller communities. On page 8 of the report of the Senate Committee on Public Works on S. 120 which is now before us, it states that—

The committee encourages adjacent communities to band together for the construction and operation of joint treatment and disposal works, utilizing such financial arrangements and methods as authorized by State statute. In addition, the committee encourages adjacent communities to avail themselves of service capacity available in presently operating projects serving more than one municipality.

In my own State of California, a unique experiment is now underway. In the San Diego urbanized area, the population has grown from almost 433,000 in 1950 to over 850,000 in the early part of this decade. There is no sign of a letup in this growth. With this increasing population, as in many cities and towns throughout America, came pollution problems. The result has been that the California State Water Pollution Control Board has served San Diego and several of the surrounding communities with a cease and desist order with reference to pollution of the San Diego Bay.

Because of the excellent cooperative relationship which exists between San Diego and the smaller towns adjacent to it, a pioneering effort to remedy this pollution problem was undertaken. The smaller cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, National City, and three sanitation districts of Lemon Grove, Rolando, and Spring Valley banded together under the leadership of the city of San Diego and agreed to a 50-year contract—40 years plus an option for 10 years—to construct the necessary works to meet their sewage disposal needs. The system will be constructed initially to its estimated capacity in 1980. Each city has agreed upon its share of the construction costs based on a determination as to existing population, estimated growth, and other factors such as their industrial capacity. The proportion of the total project for each of these entities is approximately as follows:

	Percent
San Diego.....	72
Chula Vista.....	11.2
Coronado.....	1.3
El Cajon.....	4.3
Imperial Beach.....	1.3
National City.....	3.4
Lemon Grove.....	1.2
Rolando.....	1.13
Spring Valley.....	2.5
La Mesa.....	2.5

Under the sewage disposal agreement of 1960, which these jurisdictions entered into, the city of San Diego will administer the contract and works. An advisory body is created with each jurisdiction represented. This body has recommending powers. An arbitration clause is provided. The project is to be built to a designed capacity of 233,920,000 gallons per day. The entire cost over the 50-year period, including principal and interest, will be approximately \$106,933,511. Next Tuesday, the sealed bids on a bond issue of \$42,500,000 will be opened.

However, as I stated, the city of San Diego will own the works. Actually, the city would have no objection to joint ownership, but the belief was that they would not be able to sell their revenue bonds, which are needed if the project is to be constructed, unless the full credit of a single governmental unit, in this case the city of San Diego, stood behind these bonds. The communities also decided that they did not want an overriding sewage disposal district which would mean another taxing agency and also a possible loss of direction by the communities involved. Consequently, because of the excellent cooperative spirit which exists between the central city and the surrounding municipalities, this pioneering venture was undertaken. It might well set a pattern as to how other metropolitan problems could be solved within the framework of existing local government.

Since the communities do not own the works, they have agreed contractually to a "capacity service charge" based on their share of the cost of the ultimate designed capacity. For example, in the case of La Mesa, the current capacity of the La Mesa sewage system is approximately 3 million gallons per day. Under the contract I have discussed, La Mesa has reserved a capacity of 6 million gallons per day. Under the contract I have discussed, La Mesa has reserved a capacity of 6 million gallons per day out of the total designed capacity of the system of almost 234 million gallons per day. This is 2.56 percent of the total and it will cost La Mesa \$2,742,823 over the 50-year period. Besides these "capacity service charges," each jurisdiction pays additional charges based on the transportation and treatment of the sewage. The "capacity service charges" relate only to the cost of these works.

I have discussed this matter with the representatives of the small communities involved. Each of these officials has told me that by cooperating in such a project they are able to solve their pollution problems more efficiently and at a lower cost. I would like to say that, in my judgment, it is our intention to enact

this legislation in order to encourage joint projects by smaller communities using all the devices open to them under State law.

Secondly, I believe that the fact that these smaller communities do not actually own the central system to which they are contractually obligated for the initial capital construction and additional improvements of the treatment works and trunklines is not a bar to their eligibility in applying for a Federal grant under this legislation.

I ask my esteemed friend the Senator from Oklahoma [Mr. KERR] if he concurs in my judgment of the intention of the proposed legislation.

Mr. KERR. I ask the Senator from California briefly to restate the principle that he had in mind.

Mr. KUCHEL. I believe it is the intention of the Senator from Oklahoma [Mr. KERR], as well as other members of his committee, and of the proposed legislation itself, to encourage joint projects by smaller communities using all the devices open to them under State law as I have discussed them here. The situation is illustrated in San Diego, where a number of small communities have banded together for a cooperative effort with respect to their common water pollution problem. I have said that in my opinion the proposed legislation is designed, and is intended to be available to each of those communities which have banded together in a joint effort, and I ask the Senator if he would confirm my understanding of the intention of the bill.

Mr. KERR. The benefits are designed to be available in more than one grant for joint sewage treatment facilities where more than one incorporated area participates jointly in the development of such facility. Under the language of the bill, each separate incorporated community participating in a joint project would be eligible for a grant of up to 30 percent of its proportionate cost, or up to \$500,000, whichever is less, and two or more such grants would be permitted to be used by the cooperating communities in the joint facility. Does that statement answer the Senator's question?

Mr. KUCHEL. Very clearly. I ask the Senator whether the eligibility of a given community under the terms and intent of the bill rests on the obligation which the community assumes with respect to such a joint project in San Diego as I have outlined.

Mr. KERR. I do not believe I understand the question.

Mr. KUCHEL. For example, assume that city A, city B, city C, city D, city E, and city F enter into a contract. City A is a large community. Title to the works may vest in city A. City B agrees to pay a moiety percentage of the cost of the joint construction or operation, under a contract with city A. I ask my friend if the obligation which city B assumes under the contract is sufficient to qualify city B for the benefits of the proposed legislation?

Mr. KERR. As I understand, if an individual project were contemplated, the program would work in the following

way: For example, if city B were eligible for an individual contract or grant, it would be eligible to participate in a joint facility. The benefit that it could hope to receive under the bill would be calculated thus: The obligation of city B in the joint facility would be determined. It would be eligible for a grant of up to \$250,000, or 30 percent of its pro rata part of the cost, whichever is less. Under the proposed legislation it would be eligible for an amount up to \$500,000, or 30 percent of its pro rata part of the cost of the joint operation, whichever of the two is less.

Mr. KUCHEL. In our hypothetical situation let us assume that title to the actual works involved were vested entirely in city A. I do not believe there is any question, but I wish simply to be assured, that under the terms and intent of the bill, in the opinion of the Senator from Oklahoma that fact would be no bar to the benefits under the bill being available to city B or city C, and the other municipal participants, which would participate in the venture actually owned by city A.

Mr. KERR. In my opinion, if community B were paying as much as 70 percent of the cost of the part allocated to it, it would then be eligible to participate under the bill; and what it did with its facility after the project was constructed would be a matter for its determination.

Mr. KUCHEL. Mr. President, I thank the Senator very much. This is an excellent provision in this legislation. I want the Senator from Oklahoma to know of my congratulations to him and to the committee for fashioning the bill and bringing it to the Senate.

Mr. KERR. For and on behalf of the committee I accept the congratulations.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. CASE of South Dakota. Mr. President, I have a question which I should like to present to the Senator from Oklahoma. Suppose a community has had a project built already under the provisions of the Act and then the community grows and finds that it has a requirement for a larger project. Would the city be eligible for a second project to accommodate the needs established by the new growth?

Mr. KERR. I would say that if the city had built a project under the provisions of the 1956 Act and then found itself requiring additional facilities, under the provisions of the proposed Act it would be eligible to receive a grant, provided that the one it had originally received and the one sought do not exceed \$500,000, or, in connection with the additional project, 30 percent of its cost, whichever is less.

Mr. CASE of South Dakota. The answer is in the affirmative, then, that the city might receive a second grant if it was an additional project that was required by the growth of the city, provided that the amount of the grant came within the limitations of the new Act.

Mr. KERR. The Senator is correct.

Mr. CASE of South Dakota. Mr. President, I withdraw the objection I

made earlier to the consideration of the so-called Moss amendment as original text.

The PRESIDING OFFICER. Without objection, all committee amendments are agreed to, with the bill as amended to be treated as original text for purpose of further amendment.

Mr. FULBRIGHT. Mr. President, the Committee on Public Works has presented a good bill to the Senate, and I shall be pleased to support it.

The existing pollution control program has been of great assistance to many Arkansas communities in enabling them to install or improve their sewage treatment facilities. I recently received a tabulation from the Public Health Service showing the importance of the sewage treatment works grant program to Arkansas. As of May 15 of this year, 89 applications from communities throughout Arkansas had been approved for which the Federal grants totaled almost \$5 million. The fact that 57 applications are now pending in various stages illustrates the great need for continuation of this program in my State. I ask unanimous consent that the tabulation listing the applications which have been approved and those which are pending be inserted in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, under the committee's bill, Arkansas will receive a total of \$8,359,020 in grants for construction of waste treatment facilities in the 5-year period beginning with the next fiscal year. These additional funds will insure that Arkansas communities are given the needed encouragement and assistance in improving their sewage facilities and will greatly help us in clearing up and keeping clean Arkansas' rivers and streams.

The committee is to be commended for its inclusion of the provision in the bill which liberalizes the Water Supply Act of 1958. This provision which allows the Corps of Engineers and the Bureau of Reclamation, as the case may be, to include water supply capacity in Federal reservoirs without definite contractual commitments from State or local interests is a realistic approach to meeting the water supply needs of the future. The number of good reservoir sites in this country is dwindling rapidly, and it is in the national interest that any reservoirs constructed in the future should include provision for water supply if there is some indication that the water will be needed in the area in the reasonable future, notwithstanding the fact that firm contractual obligations have not been entered into between the local agencies and the Government for use of the water from the reservoir. The people of Arkansas are growing increasingly aware of the importance of adequate water supply in our industrial development program, and this provision in the bill should insure that water supply is included as a project purpose in any additional reservoirs constructed in the State.

I am also pleased that the committee has added language to the bill which would permit the inclusion in reservoirs of capacity for water which would improve low-flow conditions, and thus alleviate danger to fish and wildlife, as well as decrease pollution dangers. This is a needed addition to the few items which can be considered in determining the economic feasibility of a reservoir project.

I hope that this bill will pass the Senate by an overwhelming margin.

EXHIBIT 1

ARKANSAS

Construction grants for sewage treatment works as of May 15, 1961

ALLOCATIONS

Fiscal year	Amount
1957.....	\$1,047,925
1958.....	1,030,100
1959.....	1,024,975
1960.....	1,011,250
1961.....	1,007,675
Total.....	5,121,925

APPLICATIONS

Status	Number	Estimated eligible project costs	Grant offer or request
Approved to date.....	89	\$19,708,068	\$4,798,867.82
Pending (total).....	57	11,349,128	2,077,298.00
In PIIS regional office.....	3	382,528	111,098.00
In State agency ¹	0	0	0
In preparation in municipalities ¹	54	10,966,600	1,966,200.00

¹ As reported by the State agency.

APPLICATIONS APPROVED

Alzheimer.....	\$58,771	\$17,631.00
Bay.....	50,443	15,132.90
Bearden.....	46,530	13,959.00
Benton.....	229,335	68,800.62
Benton (hospital).....	141,048	42,211.50
Bentonville.....	310,000	93,000.00
Do.....	115,595	34,678.47
Bradford.....	59,785	17,935.00
Brinkley.....	35,291	10,587.37
Camden.....	478,571	143,571.00
Caraway.....	79,843	23,953.00
Carlisle.....	85,996	25,798.80
Charleston.....	19,814	5,944.00
College Heights.....	75,276	22,582.88
Conway.....	83,584	25,063.31
Do.....	121,748	35,722.50
Crawfordsville.....	69,406	20,821.77
Crossett.....	32,424	9,727.12
Danville.....	70,193	21,058.20
DeQueen.....	198,034	59,410.07
Decatur.....	51,617	15,485.16
Des Arc.....	52,642	15,792.55
DeWitt.....	44,012	13,203.51
El Dorado.....	469,201	140,760.23
Elaine.....	59,850	17,954.99
Faulkner Lake.....	1,124,500	250,000.00
Fayetteville.....	923,680	250,000.00
Fordyce.....	17,817	5,344.98
Forrest City.....	58,573	17,571.80
Geyer Springs.....	36,130	10,839.08
Gillett.....	41,957	12,587.03
Gould.....	98,603	29,580.99
Green Forest.....	66,570	19,970.96
Greenwood.....	88,750	26,625.01
Hamburg.....	106,343	31,902.96
Harrison.....	62,907	18,871.93
Helena.....	508,722	152,616.70
Holly Grove.....	56,293	16,725.38
Hope.....	25,961	7,788.25
Humphrey.....	74,521	22,356.17
Huttig.....	38,232	11,469.69
Jacksonville.....	76,846	23,053.80
Do.....	171,016	51,304.93
Jonesboro.....	624,823	187,500.00
Judsonia.....	72,727	21,818.00
Junction City.....	78,150	22,630.57
Kensett.....	71,598	20,000.00
Lake Village.....	184,800	55,439.85
Little Rock.....	2,126,000	250,000.00
Do.....	2,697,997	250,000.00
Do.....	102,514	30,754.06
Malvern.....	55,576	16,672.45

Construction grants for sewage treatment works as of May 15, 1961—Continued

APPLICATIONS APPROVED—continued			
Status	Number	Estimated eligible project costs	Grant offer or request
Marmaduke.....		\$48,000	\$14,400.00
Marshall.....		46,514	13,954.26
McGehee.....		217,819	65,345.67
Mena.....		194,142	58,242.64
Mineral Springs.....		31,704	9,511.17
Morrilton.....		256,468	76,940.49
Murfreesboro.....		46,036	13,810.81
Do.....		12,787	3,836.16
North Little Rock.....		54,600	16,380.00
Pangburn.....		30,680	9,168.60
Parkin.....		14,099	4,229.83
Pea Ridge.....		57,400	17,220.00
Piggott.....		153,663	46,098.90
Pine Bluff.....		790,782	237,234.60
Pocahontas.....		183,000	54,900.00
Pulaski County.....		167,152	50,145.50
Rogers.....		430,000	129,000.00
Searey.....		102,738	31,021.44
Sheridan.....		136,767	41,030.00
Sherwood.....		146,604	43,981.10
Shileotte Bayou (North Little Rock).....		816,080	244,824.00
Siloam Springs.....		185,471	55,641.20
Do.....		29,000	8,700.00
Smaekover.....		205,704	61,711.32
Sparkman.....		44,372	13,311.60
Springdale.....		40,000	12,000.00
Do.....		242,677	72,803.24
Stephens.....		23,890	7,167.00
Stuttgart.....		95,722	28,716.55
Texarkana.....		67,168	19,716.60
Do.....		990,696	250,000.00
Turrell.....		66,628	19,088.33
Van Buren.....		572,284	171,685.20
Walnut Ridge.....		165,455	49,636.38
Warren.....		295,572	88,671.74
Weiner.....		55,691	16,707.19
Wynne.....		60,089	18,026.71
Total.....	89	19,708,068	4,798,867.82

PENDING IN REGIONAL OFFICE

Magnolia.....		66,003	17,551.00
Forbng Rd.....		271,308	81,392.00
Waldron.....		45,217	12,155.00
Total.....	3	382,528	111,098.00

Pending in State agency: None.

REPORTED IN PREPARATION

Beebe.....		\$60,000	\$18,000.00
Berryville.....		61,000	18,000.00
Cabot.....		60,000	18,000.00
Clarendon.....		60,000	18,000.00
Clarksville.....		150,000	45,000.00
Dardanell.....		50,000	15,000.00
Dermott.....		60,000	18,000.00
Ashdown.....		100,000	30,000.00
Atkins.....		80,000	24,000.00
Earle.....		70,000	21,000.00
Fort Smith.....		600,000	180,000.00
Harrisburg.....		80,000	24,000.00
Hazen.....		30,000	9,000.00
Lewisville.....		45,000	13,500.00
Mammoth Springs.....		100,000	30,000.00
McCrory.....		39,000	11,700.00
Mount Ida.....		50,000	15,000.00
Marked Tree.....		80,000	24,000.00
Nashville.....		60,000	18,000.00
Norphlet.....		100,000	30,000.00
Paragould.....		460,000	138,000.00
Ozark.....		98,000	29,400.00
Reetor.....		80,000	24,000.00
Rison.....		390,000	117,000.00
Russellville.....		100,000	30,000.00
Strong.....		80,000	24,000.00
Waldo.....		45,000	13,500.00
West Helena.....		410,000	123,000.00
Barling.....		33,600	10,080.00
Clinton.....		100,000	30,000.00
Cotton Plant.....		60,000	18,000.00
DuValls Bluff.....		80,000	24,000.00
England.....		70,000	21,000.00
Fort Smith.....		1,500,000	450,000.00
Gentry.....		45,000	13,500.00
Heber Springs.....		85,000	25,500.00
Hughes.....		45,000	13,500.00
Joiner.....		75,000	22,500.00
Keiser.....		28,000	8,400.00
Lake City.....		44,000	13,200.00
Leachville.....		65,000	19,500.00
Lepanto.....		45,000	13,500.00
Little Rock.....		4,000,000	1,200,000.00
Lonoke.....		75,000	22,500.00
Mulberry.....		64,000	19,200.00
New Port.....		90,000	27,000.00

Construction grants for sewage treatment works as of May 15, 1961—Continued

REPORTED IN PREPARATION—continued			
Status	Number	Estimated eligible project costs	Grant offer or request
Prairie Grove.....		\$30,000	\$8,000.00
Prescott.....		139,000	41,000.00
Star City.....		45,000	13,500.00
Tuckerman.....		30,000	9,000.00
West Memphis.....		410,000	122,000.00
Wilmot.....		65,000	19,500.00
Wilson.....		65,000	19,500.00
Yellville.....		80,000	24,000.00
Total.....	54	10,966,600	1,966,200.00

Mr. MOSS. Mr. President, water—too long considered to be in endless abundance—has become the No. 1 resource problem confronting the United States today. The Nation is not running out of water as is frequently heard—the amount of water is not declining—there is just as much as there ever was. But as other nations have done, we have simply come to that point in our own history where we must recognize that the amount of water which can be made available for our use is not unlimited; indeed, it is rather rigidly fixed. Since we cannot manufacture water to increase our supply—although we are working on desalinization of sea water and cloud seeding to bring more rain—it is imperative that we learn to manage our limited supply so that this Nation may continue its growth and prosperity, may provide for an adequate national defense, and may continue its leadership of the free world.

The water problem is directly related to the very rapid population and economic growth which this country is experiencing, and which is expected to extend into the predictable future. It is related also to the physical limitations of our national water resource; to the enormous increases in water use in support of national growth and increasing standards of living; to the resulting discharges of vast amounts of pollution of a changing and complex nature; and to our failure to keep up with water pollution control needs in the years behind us.

In the past, we met rising demands for water largely through construction of storage facilities to increase the amount of water available for use and did not give enough attention to conserving water quality. Now, with the limit of the amount of dependable water supply in sight, and total water use approaching this limit, a high priority in water resources developments must be given to the all-important need of providing for the cleanliness of the limited supply so that it can be used and reused in meeting the Nation's increasing requirements for water for all purposes.

Oversimplifying a very complex situation: the water resources problem of the United States from now on is one of making the relatively fixed supply of water meet a rapidly increasing demand by providing the right quantity of water of the right quality where it is needed.

To meet needs, our capturable water resources must be developed to their maximum amounts and effective pro-

grams of pollution prevention and control must be aggressively pursued which will maintain a high level of water quality in the lakes and streams across the country—the Nation's fresh water supply.

Most present water pollution problems are the result of too little attention in the past. Many States have not been provided with pollution abatement programs commensurate with their pollution problems. The Federal Government has dealt with the problem only in recent years and then on a small scale. Municipalities and industries have resisted constructing needed waste treatment works, regarding them as a benefit only to the fellow downstream and as an unnecessary or unbearable financial burden. The public has been allowed to retain too much of the "water purifies itself every 7 miles" philosophy. It has been oversold on the cheapness and plentifulness of water and undersold on the value and necessity for pollution control. The engineer has relied on the stream to do much of the waste treatment job rather than having tailored treatment to keep the stream as clean as possible.

The Nation is entering a critical water supply situation that requires immediate attention if it is to continue to move forward, a situation seriously complicated by the problem of water pollution. The speed with which this situation is developing has caught us relatively unprepared to deal with the problems—sociologically, economically, legally, and technically.

Mr. President, the measure before the Senate today represents a composite, many-sided approach to the pressing solution of the Nation's No. 1 water-resources problem—the restoration and maintenance of the quality of our water supplies. Water-supply storage to augment streamflows for water-quality purposes—intensified research into specific water pollution aspects—establishment of research and field demonstration facilities and field laboratory facilities—increased aid to the State program administering agencies, and increased stimulation of waste treatment plant construction by municipalities, each constitutes an integral portion of the total effort.

Surpassing these in need and potential, however, is the proposal for extending the Federal enforcement jurisdiction to abate pollution of the navigable streams of the country.

The 1956 Federal Water Pollution Control Act significantly improved Federal enforcement procedures. They have proven workable and successful in the 13 enforcement actions taken to date. Dealing with situations involving municipal and industrial wastes—including radioactive wastes—these actions will have accounted for cleaning up 4,000 miles of seriously polluted streams and will have been responsible for construction of necessary remedial facilities amounting in cost to approximately one-half billion dollars. Innumerable smaller communities have followed their larger upstream neighbors in installing

treatment facilities in a sort of chain reaction.

These enforcement actions have been taken in full conformity with the procedures spelled out so judiciously in the act. State rights and responsibilities in enforcing their own water pollution control laws have been carefully safeguarded.

The States engage directly in the conduct of the enforcement conferences and hearings, the first two stages of the procedures. During the postconference and posthearing intervals reasonably scheduled for remedial action, the ability of the States to act within their own laws is not only preserved from challenge and displacement, but, indeed, is actively urged and encouraged. Only once has it been found necessary to resort to the ultimate stage of the procedures, Federal court action, to secure compliance. In this case, compliance was obtained after filing of suit but without the necessity of full court proceedings.

Under existing law, these procedures and the Federal jurisdiction to enforce abatement are applicable only to pollution of interstate waters, which endangers the health or welfare of persons in a State other than that in which the pollution discharges originate. Thus the full protection of the Federal Government is available to grant relief to injured persons on the basis of geographical whims and is constrained within artificial boundaries which are not recognized by our flowing waters.

As was pointed out in the House Report on H.R. 6441, the present law, for instance, excludes from enforcement jurisdiction the greater part of the Great Lakes and their tributaries, the coastal waters of the Nation, many important coastal streams, intrastate water bodies such as the Detroit River, those of Florida, and all rivers, streams, lakes, and coastal waters of Alaska, Hawaii, and the Virgin Islands and Puerto Rico. International boundary streams such as the St. Lawrence, Niagara, lower Colorado, and Rio Grande Rivers are untouched under the act.

The same situation exists as to international streams flowing across the northern and southern borders of the United States into our international neighbors. Examples are the Red River of the North in Minnesota, Lake Champlain in New York, the Souris and Riviere Rivers in North Dakota, and the Flathead and Kootenai Rivers in Montana.

In addition, the Missouri River from the Kansas State line to just above St. Louis is an untouchable area under existing law. The greater part of the Hudson River is excluded, as are important reaches of the Tennessee, Columbia, Colorado, and Merrimack Rivers. Of the estimated 26,000 water bodies in the United States, only an estimated 4,000 are of an interstate nature.

In addition, Federal enforcement authority at present covers only pollution of interstate waters, defined as above, which "endangers the health or welfare of persons in a State other than that in which the discharge originates * * *."

Thus only pollution having an interstate effect is subject to abatement under the existing law.

The effect of this limitation is to require Federal enforcement officials to trace the noxious effects of some polluter's discharge through the discharges of often hundreds of other polluters to some point in another State where the effect can be segregated from its host of acquired companions and found to endanger the health or welfare of persons. The enforcement process is then, by reason of the wording of the present law, intrinsically slow, expensive, and far less efficient than possible.

The three-stage enforcement procedures—conference, hearing, and court action—are retained intact and made applicable as well to actions involving intrastate pollution of navigable waters, when requested by a Governor and adjudged to be of sufficient significance to warrant the application of Federal powers.

Mr. President, Utah is a water-short area requiring the use and reuse of available water supplies many times. Limitations in Federal enforcement jurisdictions have precluded the giving of needed assistance to the State.

For example, in 1958, the Utah State Water Pollution Control Board requested the Public Health Service to hold a conference under the enforcement provisions of the Federal Water Pollution Control Act on the interstate waters of the Bear River. The Bear River flows from Idaho into Utah and thence into Great Salt Lake. It is the largest stream on this continent which does not empty into the ocean.

However, the Federal Government does not have jurisdiction over the wastes originating in Utah, as such discharges and their effects are entirely intrastate in character. It would not be equitable to ask sources in Idaho to abate pollution without securing similar abatement in Utah, since the abatement of the Idaho sources alone would not materially change the polluted character of the Bear River.

In order to effectuate a satisfactory pollution abatement program the Public Health Service and the Utah State Water Pollution Control Board recognize that a regularized and continuing program of surveillance will have to be established which will take into account waste discharges from both Idaho and Utah in conjunction with stream flows. The Utah water pollution control authorities believe that such a program is beyond the resources of the State alone and have requested the Public Health Service to cooperate with them in this activity. Extension of Federal enforcement authority to all navigable streams will give the PHS a firm statutory basis for doing so. In addition such a program should include sources of pollution in the Malad River which joins the Bear, but which cannot be undertaken at present since the sources and effects of pollution there are solely intrastate—within Utah.

If the Federal law were extended to cover all navigable waters, the State of Utah could ask the Federal Government

for enforcement in abating pollution of Great Salt Lake from Salt Lake City and the surveillance and protection of Utah Lake from industrial sources of pollution. There are other water areas in Utah, such as the Jordan and the Weber Rivers, which are used as sources of water supply, and which the Federal Government could, if asked, assist in abating pollution if jurisdiction were extended to include all navigable waters.

The bill, in my estimation, gives the necessary and desirable expression to the Federal interest and responsibility in maintaining the quality of our water supplies. Senators are fully aware of the report submitted by the Select Committee on National Water Resources, on which I had the distinct honor to serve. Three of my colleagues on the committee joined with me in expressing supplemental views to the report. We acknowledge the bill's provisions for reservoir storage to regulate flows and for increased construction of facilities for waste treatment—provisions which accord with these views. The extension of enforcement jurisdiction to navigable waters relates directly to our additional consideration that municipalities and industries must refrain from discharging wastes that degrade water quality beyond tolerable limits, either voluntarily or, to the extent required by the public interest, by force of legal sanction. The extent of the public interest today demands that the Federal role be enlarged along the lines of the bill's provisions.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. MOSS. I yield.

Mr. CASE of South Dakota. The Senator from Utah had in mind submitting an amendment on page 9, lines 4 and 5, to insert the words "interstate and" before "navigable." Has the Senator submitted that amendment?

Mr. MOSS. It is my intention to do so. I am prepared to submit an amendment of wording.

Mr. CASE of South Dakota. I wondered whether the Senator from Utah had considered making the amendment read "interstate or" rather than "interstate and." I am not certain of the entire context, but by using the word "and," a requirement may be established that the stream be both interstate and navigable.

Mr. MOSS. I accept the suggestion. I believe the Senator is correct.

Mr. CASE of South Dakota. The intent was that the stream be either interstate or navigable.

Mr. MOSS. I thank the Senator from South Dakota, and I modify my proposed amendment in that regard.

Mr. President, I submit perfecting amendments to a portion of the bill, defining the streams which would be covered in the enforcement procedure. I ask that the amendments be read.

The PRESIDING OFFICER. The amendments will be stated.

The LEGISLATIVE CLERK. On page 9, line 4, before "NAVIGABLE", it is proposed to insert "INTERSTATE or".

On page 9, line 5, before "navigable" insert "interstate or".

On page 9, between lines 11 and 12, insert the following:

(b) Subsection (b) of such section is amended by striking out "interstate" and inserting in lieu thereof "interstate or navigable".

On page 9, line 12, in lieu of "(b)" insert "(c)".

On page 9, line 16, strike out "navigable".

On page 10, line 4, before "navigable" insert "interstate or".

On page 10, line 22, in lieu of "(c)" preceding "Paragraph" insert "(d)".

On page 10, line 24, in lieu of "navigable" insert "interstate or navigable".

On page 10, line 25, in lieu of "(d)" preceding "Subsection" insert "(e)".

Mr. MOSS. Mr. President, the purpose of the corrective amendments is to define properly the waters which would be subject to enforcement procedures. All interstate waters, waters that flow across State boundaries, are covered in the enforcement procedure. In addition, all navigable waters, whether they be interstate or intrastate, are subject to the procedure, provided that when the waters are intrastate only, the Federal procedure may go forward only upon the invitation of the Governor of the State in which the pollution occurs. This was covered in particular by the prepared remarks which I delivered to the Senate.

The PRESIDING OFFICER. Without objection, the amendments, en bloc, are agreed to.

Mr. MOSS. Mr. President, I yield the floor.

Mr. CARLSON. Mr. President, as we consider the amendments of 1961 to the Federal Water Pollution Control Act, I call attention to the testimony of Dr. Dwight F. Metzler, chief engineer, Kansas State Board of Health, before the Committee on Public Works in the House of Representatives, beginning on page 276 of the printed House hearings.

I do so because Dr. Metzler is an experienced and outstanding authority in the field of water pollution control. The evidence of this is the outstanding progress that has taken place in Kansas under his leadership. His appearance before the House committee, representing the views of the American Public Health Association, is proof of his standing nationally in this field.

Dr. Metzler in his testimony points out that in Kansas, because of the limited construction grants available, it was necessary to have a very aggressive State pollution enforcement program, because actually a part of our communities were receiving Federal aid and a substantial part of them were not.

In the year 1960, out of \$8 million of sewage treatment facilities which were placed under contract in Kansas, only \$2 million had any Federal participation. Six million dollars of this amount was financed entirely locally.

During the period 1956-59, our State appropriations for water pollution control increased more than 50 percent. There is no doubt that a part of this increase was due to stimulation from the program grants.

Under the present program in Kansas with assistance from the Federal Government, it is estimated that by January 1, 1963, Kansas will have eliminated its backlog of needed sewage treatment facilities. Beyond that date, it is anticipated that 20 new municipal projects a year will be needed to keep up with the increasing load and obsolescence of equipment, and another 7 to 10 projects will be required for new communities building their first sewer system.

Water from four adjacent States flows into Kansas; therefore, our State, under the leadership of Dr. Metzler, has been able to cooperate with adjoining States in the field of cooperative control of water pollution. His experience in this field is most valuable.

I should like to stress the fact that Kansas is the leading State in the Nation in the control of water pollution; and I give much credit for our progress in this field to Dr. Metzler, the State board of health, and the State water resources board.

The need for water pollution control can best be demonstrated by referring to the ever-increasing demands on the use of water. Water use is increasing enormously. Since 1900, while our population tripled, fresh water use has jumped eightfold, from 40 billion gallons to 322 billion gallons a day. It is estimated that by 1980, water needs will be 600 billion gallons a day, almost twice the present usage.

More than 100 million Americans get their drinking water from rivers that are carrying sewage, industrial waste, and anything else that can be flushed down a sewer or thrown from a bridge.

From an industrial standpoint, the water requirements by 1980 will be twice as much as they are today. Water recreation has grown enormously during recent years, as the leisure time and the income of the American people have increased.

Truly, one of the great shames of this country is the abuse of one of our greatest assets; namely, our streams, our rivers, our lakes, and all of our water.

In the early days of our country this was no great problem, of course; but with our ever-increasing population, our industrial expansion, and the increased daily needs of water use, it is essential that we act now in order to preserve a clean water supply for our future.

Few people realize how many times we use water over and over again as it comes out of the ground or as it flows down the streams of our Nation.

Mr. President, I yield the floor.

Mr. CARROLL. Mr. President, I rise to urge the passage of S. 120, the bill now before the Senate, which would extend and strengthen the Water Pollution Control Act.

This measure would be a vast improvement over existing legislation, which has been most beneficial despite certain deficiencies.

It would be especially helpful to the newly organized Metropolitan Denver Sewage Disposal District, but it also would benefit the State as a whole.

The Metropolitan Denver Sewage Disposal District is probably the most hopeful venture in area-wide cooperation ever initiated in the fast-growing Denver metropolitan area. It proposes to build an efficient sewage treatment system which would serve both the city and county of Denver and a number of its rapidly growing neighbors.

Such a plant would be infinitely more efficient and economical than any collection of separately built, separately financed and separately operated sewage disposal plants. It would cost in the neighborhood of \$25 million, according to the best present estimates, and it would serve 10 or more individual cities, towns and sanitation districts.

Mr. Jerrold Park, a city councilman of Arvada, Colo., who has been one of the prime organizers of this metropolitan district, estimates that S. 120 could entitle the new district to as much as \$3.2 million of Federal assistance in construction grants.

This would be a boon to overburdened property taxpayers, already saddled with rising costs for schools, roads and other services in their hometowns.

The House has passed H.R. 6441, which could help the new district in the metropolitan area to the extent of \$2.4 million. This in itself would be a great help, for under existing legislation the district would receive only nominal Federal construction assistance. But the Senate bill appears to be far more helpful.

The House bill probably would help large individual cities more. Its ceiling for construction grants to participating cities is \$800,000—which is \$300,000 higher than the provisions of S. 120. But the Senate bill would be of far greater assistance to the metropolitan area as a whole, and particularly to the suburbs and sanitation districts of Westminster, Arvada, North Washington, Alameda, Northwest Lakewood, Baker, and North Table Mountain.

As Senators know, the present ceiling for a Federal construction grant is \$250,000, or 30 percent, whichever is the lesser. This limit applies whether the plant is initiated by a single unit of government, or by a joint or metropolitan authority.

This ceiling was designed to protect smaller cities in outlying areas. It has worked well in their behalf, although it has discouraged metropolitan systems. Under this 5-year-old law, Colorado cities, towns, and sanitation districts have undertaken 42 projects costing a total of \$12,630,335, of which the Federal share has totaled \$3,141,876. Most of the money has been spent in small and medium-sized cities and towns. There are more than 30 cities and districts in Colorado outside the Denver area which still want to build sewage treatment systems with Federal participation. Most of them are relatively small.

The sanitation division of the State department of public health assures me that S. 120 could stretch far enough to give full Federal assistance to the Denver metropolitan district, while leaving ample allowance for the projects requested by outlying Colorado cities.

As an additional safeguard to smaller or outlying areas, S. 120 provides that grants exceeding \$250,000 are not to be made until all pending qualified applications under the existing law have received grants.

At present, Colorado is entitled to a maximum of \$662,275 in construction grants in any one year. Under S. 120, cities and sanitation districts in my State could qualify to receive \$927,185 during fiscal 1962; \$1,059,640 in fiscal 1963; \$1,192,095 in fiscal 1964; \$1,324,550 in fiscal 1965; and \$1,324,550 in fiscal 1966.

The most helpful feature of S. 120 from the standpoint of my State and its people is the removal of any total Federal grant ceiling from a metropolitan sewage disposal system. This is the way to encourage metropolitan pooling of resources. I strongly recommend passage of this bill.

The PRESIDING OFFICER (Mr. PELL in the chair). The bill is open to further amendment.

WATER POLLUTION CONTROL PROGRAM IS IMPORTANT TO BUILDING A BETTER AMERICA—
SENATOR KERR GIVES LEADERSHIP

Mr. RANDOLPH. Mr. President, the knowledgeable senior Senator from Oklahoma [Mr. KERR] has given a clear and articulate explanation of S. 120. He has, in this body, and throughout the Nation, drawn attention to the urgency of moving forward in the field of water conservation and pollution control.

One cannot easily overemphasize the importance of water pollution control. This becomes apparent when we acknowledge that the per capita use of water has grown from 540 gallons per day in 1900 to approximately 1,500 gallons today, and it is estimated that it will be 2,100 gallons per day by 1975. During the same period our population will have increase from some 76 million to 215 million.

Thus, we are faced with a growing population and an advancing industrial technology which make increasingly heavy demands upon a finite supply of water. It is therefore a national problem of the most urgent and fundamental nature, encompassing a wide variety of issues concerning individual and community health, fish, and wildlife preservation, and industrial development.

I wish to indicate that this work involves cooperative efforts between the Federal Government, the State governments, and the local governments. I think the proof that these programs have been effective, nationwide, is best indicated by citing the fact that following enactment of the Federal Water Pollution Control Act, in 1956, the construction of sewage treatment plants in the United States almost doubled, whereas in the 5-year period preceding the passage of the act—that is to say, in the years 1952 through 1956—approximately \$222 million was expended annually on the construction of sewage treatment plants in the Nation.

The record indicates that since this act went into effect in 1957, such construction in that year totaled \$351 million; in 1958 it was \$389 million; in 1959, the amount was \$349 million; and it is estimated that in 1960 the expenditures

were approximately \$350 million. And, Mr. President, we are told by the Public Health Service that in the years which are immediately ahead, the annual expenditures should be at the rate of approximately \$557 million.

The State of West Virginia is known as the fountainhead of rivers, for in the mountainous area of West Virginia originate, scores of streams, and West Virginia has been designated a mother of waters.

In our State there is ample proof of the benefit of the purification of water and the development of more adequate supplies of water, not only to recreation and wildlife, including fowl, but also to industrial expansion, which likewise is dependent on better and purer supplies of water.

As evidenced by the number of anti-pollution projects under construction in West Virginia, the act which would be amended and expanded by the pending measure has already been a major factor in helping us combat pollution. Under the authorization of this act, projects have been approved in West Virginia, with total costs of more than \$16 million and Federal grants of more than \$4 million. As of March 31 of this year, 13 of these projects had been completed and 7 had been placed under construction.

Though this law has been an effective element in stimulating municipal construction of sewage treatment plants, our experience of recent years and the growing backlog of applications for Federal aid indicate the need for expanding the Federal participation in this field.

With the increasing need for reusing water two or three times or more, the mechanical and biological treatment methods of 30 or 40 years ago become ever more inadequate. It was declared during subcommittee hearings on the pending measure that the discharge of treated sewage from such a city as Chicago, under present methods of treatment, has the same effect as discharging the raw sewage from a population of over a million people.

It is evident, Mr. President, that the proposed funds for research facilities under the pending measure are a vital necessity in spearheading an aggressive research attack on waste treatment problems.

In the provision for research facilities, in the grants for plant construction, and in the strengthened enforcement measures—to name but the most important of the act's provisions—S. 120 offers a sound and realistic foundation for the conservation of our most precious natural resource, and one might add, for the protection of the health of the American people. We cannot afford to do less than this bill provides, if we are to fulfill our responsibilities to the citizens of this country.

I wish to express further my personal appreciation for being privileged to serve on the Flood Control and Rivers and Harbors Subcommittee of the Committee on Public Works, under the astute leadership of the senior Senator from Oklahoma [Mr. KERR]. I know of no Member of this forum who has been

more effective in the advancement of water-pollution control than has my esteemed colleague from Oklahoma, who handles this measure in the Senate this afternoon. He has been more than a student of this subject; he is an expert in this field. Not only have his words been affirmative in regard to the need for this particular legislation, but his writings and public addresses over a period of many, many years have brought notable contributions to the knowledge of the American people and to their realization that we must move forward in this area.

So, Mr. President, it is my hope that what we are doing will benefit not only one State or one community, but, as has already been proved, practically the entire Nation. We are thus building a better America.

Whereas we had a veto of legislation of this type when we sought to expand it last year, we are assured that the passage of this legislation in the 87th Congress will receive the prompt and enthusiastic approval of the President of the United States.

Mr. KERR. Mr. President, I thank the distinguished Senator from West Virginia for his generous remarks. No man on the committee has been more effective or diligent in helping prepare this bill and bringing it to the Senate floor than has the distinguished Senator from West Virginia. All members of the committee have served with diligence and patience and effectiveness. I am extremely grateful to each one of them for their contributions.

Mr. President, the committee had before it for consideration two similar bills.

Before continuing with my statement, I ask for the third reading of the bill.

Mr. CASE of South Dakota. Mr. President, will the Senator withhold that request for a moment? The Senator from South Dakota was endeavoring to prepare an amendment, about which he has not had an opportunity to consult the Senator from Oklahoma.

Mr. KERR. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. I would like to offer the amendment and have it taken to conference, with the assurance that if it does not meet with the approval of the members of the committee or seems impractical, it will not be considered in conference. In order to make it available, I will explain just what it means before offering it.

On page 7 of the bill there is the following language:

Sums allotted to a State * * * which are not obligated at the end of the fiscal year following the fiscal year for which they were allotted because of a lack of projects * * * shall be reallocated by the Surgeon General, on such basis as he determines reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds.

That is a suggestion, in effect, that where a State has not used all the money to which it would be entitled under the formula of 50 percent on one basis, and 50 percent on the per capita income basis, and the State has not had projects

enough to consume the money within the grants authorized, that money will be allocated to other States on the pretty general proposition "as the Surgeon General determines reasonable and equitable."

It has come to the attention of the Senator from South Dakota that some communities have had an abnormal need created for pollution control by reason of Federal institutions, in some instances a military base, and in some instances other types of projects. But, in any event, where the demand on the community has been made greater by reason of a Federal activity—one might say a federally impacted area—what the Senator from South Dakota had in mind was suggesting an amendment which would add a proviso at the end of the sentence on line 16, page 7, to read as follows:

Provided, however, That whenever the Surgeon General finds that the need for a project in a community is due in part to Federal institutions or Federal construction activity, he may, prior to such reallocation, make an additional allocation to such project in the community which will in his judgment reflect an equitable contribution for the need caused by the Federal activity.

The equity of that provision would be that any community, without regard to a federally created need, can qualify, under the terms of the act, for a grant. In the same way that we have certain laws to provide for special grants to aid in the construction of schools which are needed because of a Federal activity, as to communities which have an extraordinarily large requirement, or whose requirement for pollution control has been increased due to Federal activity before money which is allotted to a State under the basic is transferred from that State to another State, there ought to be an opportunity for the Surgeon General to say, with reference to these communities where an abnormal case has been created by reason of a Federal activity, he will permit an additional allotment to be made to that State or community which would reflect equitably the need created by the Federal activity.

Mr. KERR. Is it the essence of the Senator's amendment that it would apply only to the funds which had been allocated to a State under the basic formula of allocation in the law?

Mr. CASE of South Dakota. That is correct. It would not add to the allotment of any State.

Mr. KERR. Nor would it apply to an allotment for the State, under the expiration of the time herein provided, which is at the end of the fiscal year following the fiscal year for which the funds were allotted because of a lack of projects which have been approved by a State water pollution control agency.

In other words, the money, as provided by the Senator's amendment, would not be subject to an allocation, even within the State to which it was originally allocated, until the end of the fiscal year following the fiscal year for which the funds were allotted, those funds not having been used under the basic provisions of the act?

Mr. CASE of South Dakota. That is correct, following the language of the committee amendment, on page 7, although I think if this amendment were adopted there would not be quite the necessity of adding the additional year. It would require that funds would not be be available for the additional allotment until they had not been used at the end of the fiscal year for which they had been allotted.

Mr. KERR. I believe the amendment could be accepted and taken to conference if it were an alternate to the authority granted in lines 12 through 16, for the Surgeon General to allot the residue to the other States.

Mr. CASE of South Dakota. That is the only place where it would apply.

Mr. KERR. Is the purpose of the Senator's amendment to be an alternate authority for the Surgeon General, under which, upon his determination of its merit, he could make the alternate reallocation provided for by the Senator's amendment within the State to which the funds were originally allotted?

Mr. CASE of South Dakota. That is correct.

Mr. KERR. But under the provisions of the committee amendment, they would not be available for such alternate allotment until the end of the fiscal year following the fiscal year for which they were allotted.

Mr. CASE of South Dakota. That is correct. I would have no objection to dropping the words "following the fiscal year," if the Senator concurs.

Mr. KERR. It occurs to me, from the committee action, that the funds remain eligible for use in the State, under the provisions of the bill, until the end of the fiscal year following the fiscal year for which they were allotted.

I would not think that we would be justified in adopting an amendment which would change that provision worked out by the committee. I would have no objection to the amendment if it provided an alternate allotment available to the Surgeon General following the end of the fiscal year after the fiscal year for which the funds were allotted.

Mr. CASE of South Dakota. Mr. President, I defer to the opinion of the chairman of the committee in that regard, and I should like to offer the amendment formally.

Mr. KERR. It would be a proviso beginning after the word "funds" on line 16, page 7.

Mr. CASE of South Dakota. If I may, Mr. Chairman, I should like to read the amendment, because I can read my notes more readily than can the clerk, at this stage of the proceedings.

Mr. President, I offer an amendment on page 7, line 16, as follows:

Strike out the period, insert a colon and the following:

Provided, however, That whenever the Surgeon General finds that the need for a project in a community is due in part to Federal institutions or Federal construction activity, he may, prior to such reallocation, make an additional allocation to such project which will in his judgment reflect an equitable contribution for the need caused by the Federal activity.

Mr. KERR. I think the words "in such State" ought to be in the amendment. It could read:

Provided, however, That whenever the Surgeon General finds that the need for a project in a community in such State

Mr. CASE of South Dakota. I think that is a good suggestion.

Mr. President, I offer the amendment.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 7, line 16, it is proposed to strike out the period, insert a colon and the following:

Provided, however, That whenever the Surgeon General finds that the need for a project in a community in such State is due in part to Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional allocation to such project which will in his judgment reflect an equitable contribution for the need caused by the Federal activity.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 120) was ordered to be engrossed for a third reading.

Mr. KERR. Mr. President, the Committee on Public Works had before it for consideration two similar bills; namely, S. 120 and H.R. 6441, which is a bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, which passed the House of Representatives. The committee reported S. 120 with amendments.

I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H.R. 6441, and that the Senate immediately proceed to consider the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma?

There being no objection, the Committee on Public Works was discharged from further consideration, of the bill (H.R. 6441), and the Senate proceeded to consider the bill.

Mr. KERR. Mr. President, I move to strike out all after the enacting clause of H.R. 6441 and to insert in lieu thereof the language of S. 120, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 6441) was ordered to a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, and for other purposes."

Mr. KERR. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOSS. Mr. President, I move to lay that motion on the table.

Mr. CASE of South Dakota. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. KERR. Mr. President, I move that the Senate insist on its amendment, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was agreed to; and the Presiding Officer appointed Messrs. CHAVEZ, KERR, McNAMARA, RANDOLPH, CASE of South Dakota, COOPER, and SCOTT conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, S. 120 will be indefinitely postponed.

Mr. KERR. Mr. President, I ask unanimous consent that the bill, with the Senate amendment, be printed, as passed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

Mr. MONRONEY. Mr. President, since the bill, which will do so much in the effort to protect the surface waters of this great Nation against pollution, has been passed, I should like to pay tribute to my distinguished senior colleague [Mr. KERR] for his ever present, continuing and vigorous efforts over the years to preserve American water resources. No man has done more, through service as Governor of his State or as a Member of the Senate, than has my colleague, who serves as chairman of the important Subcommittee on Public Works, for the preservation of pure water and for the cleaning up of water which has been contaminated. My senior colleague has been in the forefront of the fight. He continues, not only with unlimited interest but also by his words and writings and every resource at his command, to make a great effort to bring to the attention of the people of the Nation the necessity for preserving a most valuable resource, the water of this great Nation.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to the majority leader.

Mr. MANSFIELD. I join the junior Senator from Oklahoma in what he has had to say about his distinguished senior colleague. This is not the first time this year that the senior Senator from Oklahoma [Mr. KERR] has shown his ability or his knowledge of the subject which he has brought before the Senate for consideration.

I compliment and commend the Senator, and I express the hope that the great work he has done so far will be

continued not only in this year, but also for many years to come.

Mr. KERR. Mr. President, I thank my great friend from Montana and my esteemed and cherished colleague from Oklahoma. I shall make no statement with respect to the accuracy of their kind remarks, but I hope to be able to fulfill the expressed wish of the Senator from Montana with reference to service in the future.

Mr. GRUENING. Mr. President, I wish to pay tribute to the leadership and to the Senator from Oklahoma [Mr. KERR] for the action taken by the Senate today on the bill to amend the Federal Water Pollution Control Act. I am satisfied that this bill will become law and not be vetoed as a similar bill was by the previous administration. It is legislation which I have warmly supported.

We in Alaska, perhaps, are fortunate in that we do not have, to any considerable degree, polluted streams, lakes, and coastal waters. One reason, obviously, therefore lies in the fact that Alaska is a young State and as yet is thinly populated. However, we in Alaska have taken some proper precautions in this regard, while Alaska was still a Territory. Those wise precautions have been continued now that Alaska has become a State.

It is important, Mr. President, that we forestall any possible pollution of our waters and practices which have, regrettably, prevailed in some of the older and more populous areas of the country. Alaska can serve as a laboratory for the prevention of water pollution—an ounce of which, as the proverb states, is worth a pound of cure.

For this reason I am pleased the Senate Committee on Public Works saw fit to include in the bill the provision for a laboratory for Alaska, in one of five areas which will have such a laboratory. The bill provides that a laboratory will be established, equipped, and maintained by the Surgeon General, U.S. Public Health Service, in Alaska, and will take part in a nationwide effort to combat and to prevent pollution of our once pure and undefiled waters, one of our great natural and national heritages which should be preserved.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations this afternoon, it stand in adjournment to meet at 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY AMENDMENTS OF 1961

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 400, H.R. 6027.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 6027) to improve benefits under the old-age, survivors, and disability insurance program by increasing the minimum benefits and aged widow's benefits and by making additional persons eligible for benefits under the program, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 6027), which had been reported from the Committee on Finance with amendments.

Mr. MANSFIELD. Mr. President, there will be no extended debate on the bill, so far as I know. No action will be taken on H.R. 6027 today. It is intended we shall consider the bill immediately following morning business on Monday next.

Mr. BYRD of West Virginia. Mr. President, whenever we ponder over social security legislation, I am mindful of the keen philosophy once uttered by that distinguished 18th century British statesman, Henry Melville:

We cannot live only for ourselves. A thousand fibers connect us with our fellow men; and along those fibers, as sympathetic threads, our actions run as causes, and they come back to us as effects.

In America, there are many threads which connect us to each other. But the most sympathetic thread of them all, and the one which comes back to us as a noble effect in the form of social fulfillment, is our system of social security. It is a system we designed for ourselves and for each other—to secure for each of us a measure of welfare in our old age, or for the security of our widows, our disabled, and our dependent children.

In America, too, our actions run as causes—the end results of which are progress—for we have never been a people comfortably satisfied with the status quo. Rather, we are an alert people, ready to make required changes in keeping with changing conditions.

Today, for example, the 20-league steps which technology has been taking has given us cause to reconsider many aspects of our national posture. We are reexamining our offensive and defensive capabilities in the interest of stronger national security, our system of education in the interest of more pronounced national progress, our natural resources picture in the interest of more plentiful future supplies, our housing situation in the interest of wholesome family life for more of our people.

By the same token, we are now reexamining our social security system to that we may effect for it a more wholesome adjustment to the rapidly changing conditions in our economic and industrial life.

In this reexamination of our social security system, I would like to address myself to a particular provision in the legislation before us—a provision which, in somewhat similar form, I have been relentlessly pressing the Congress to enact since February 12, 1953, when I introduced H.R. 2925 in the first session of the 83d Congress. I refer to the pro-

87TH CONGRESS
1ST SESSION

H. R. 6441

IN THE SENATE OF THE UNITED STATES

JUNE 22, 1961

Ordered to be printed with the amendments of the Senate

AN ACT

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That ~~(a)~~ the last sentence of section ~~1(a)~~ of the Federal
4 Water Pollution Control Act ~~(33 U.S.C. 466(a))~~ is
5 amended to read as follows: "To this end, the Secretary of
6 Health, Education, and Welfare) hereinafter in this Act
7 called the 'Secretary') shall administer this Act."

8 ~~(b)~~ Section ~~1(b)~~ of such Act is amended to read as
9 follows:

10 ~~"(b)~~ Nothing in this Act shall be construed as impairing
11 or in any manner affecting any right or jurisdiction of the

1 States with respect to the waters of such States, including
2 but not limited to the power, authority, and jurisdiction of
3 such States to enforce State water pollution control laws and
4 regulations.”

5 (c) Sections 2, 3, 4, 5, 6, and 7 and the first sentence
6 of section 10(a) of such Act are each amended by striking
7 out “Surgeon General” and “Surgeon General’s” wherever
8 they appear therein and inserting in lieu thereof “Secretary”
9 and “Secretary’s”, respectively.

10 (d) Sections 4(a) and 7(e) of such Act are each
11 amended by striking out “Public Health Service” and in-
12 serting in lieu thereof “Department of Health, Education,
13 and Welfare”.

14 (e) Sections 7(a)(2)(B) and 10(b) are each
15 amended by striking out “Secretary of Health, Education,
16 and Welfare” and inserting in lieu thereof “Secretary”.

17 (f) Section 10(a) of such Act is amended by striking
18 out the second and third sentences thereof.

19 SEC. 2. (a) Subsection (a) of section 4 of the Federal
20 Water Pollution Control Act is amended by striking out in
21 paragraph (4) thereof the following: “*Provided*, That the
22 total sum authorized to be appropriated for any fiscal year
23 for fellowships pursuant to this subparagraph shall not ex-
24 ceed \$100,000”.

1 ~~(b)~~ Section 4 is further amended by adding at the end
2 thereof the following new subsection.

3 ~~“(d)~~ The Secretary shall establish, equip, and maintain
4 field laboratory and research facilities, including, but not lim-
5 ited to, one to be located in the northeastern area of the
6 United States, one in the Middle Atlantic area, one in the
7 southeastern area, one in the midwestern area, one in the
8 southwestern area, one in the Pacific Northwest, and one in
9 the State of Alaska, for the conduct of research, investiga-
10 tions, experiments, field demonstrations and studies, and
11 training relating to the prevention and control of water pol-
12 lution. Insofar as practicable, each such facility shall be
13 located near institutions of higher learning in which graduate
14 training in such research might be carried out.

15 ~~“(e)~~ The Secretary shall conduct research and techni-
16 cal development work, and make studies, with respect to
17 the quality of the waters of the Great Lakes, including an
18 analysis of the present and projected future water quality
19 of the Great Lakes under varying conditions of waste treat-
20 ment and disposal, an evaluation of the water quality needs
21 of those to be served by such waters, an evaluation of municip-
22 al, industrial, and vessel waste treatment and disposal prac-
23 tices with respect to such waters, and a study of alternate
24 means of solving water pollution problems (including addi-

1 tional waste treatment measures) with respect to such
2 waters.”

3 SEC. 3. (a) Subsection (a) of section 5 of the Federal
4 Water Pollution Control Act is amended by inserting im-
5 mediately following “June 30, 1961, \$3,000,000” the fol-
6 lowing: “; and for each succeeding fiscal year to and in-
7 cluding the fiscal year ending June 30, 1971, \$5,000,000”.

8 (b) Subsection (f) of section 5 of the Federal Water
9 Pollution Control Act is amended by striking out “and” at
10 the end of paragraph (4) thereof, by striking out the period
11 at the end of paragraph (5) thereof and inserting in lieu
12 thereof the following: “; and” and by adding after such
13 paragraph (5) the following new paragraph:

14 “(6) sets forth the criteria used by the State in
15 determining priority of projects as provided in section
16 6(b)(4).”

17 SEC. 4. (a) Subsection (b)(2) of section 6 of the
18 Federal Water Pollution Control Act is amended to read as
19 follows: “(2) no grant shall be made for any project in an
20 amount exceeding whichever of the following is the smaller:
21 (A) \$800,000, or (B) the total of 30 per centum of the first
22 \$1,000,000 of the reasonable cost of the project as deter-
23 mined by the Secretary, plus 15 per centum of the next
24 \$2,000,000 of such cost, plus 10 per centum of the remainder
25 of such cost: *Provided*, That the grantee agrees to pay the

1 remaining cost: *Provided further*, That in the case of a
 2 project which will serve more than one municipality ~~(A)~~
 3 the Secretary shall, on such basis as he determines to be
 4 reasonable and equitable, allocate to each municipality to be
 5 served by such project its share of the estimated reasonable
 6 cost of such project, and shall then apply the foregoing
 7 limitations in this clause to each such share as if it were a
 8 separate project to determine the maximum amount of any
 9 grant which may be made under this section with respect to
 10 each such share, and the total of all the amounts so deter-
 11 mined or \$2,400,000, whichever is the smaller, shall be the
 12 maximum amount of the grant which may be made under
 13 this section on account of such project, and ~~(B)~~ for purposes
 14 of the limitation in the last sentence of subsection ~~(d)~~, the
 15 share of each municipality so determined shall be regarded as
 16 a grant for the construction of treatment works”.

17 ~~(b)~~ Subsection ~~(b)~~ of such section is further amended
 18 by striking out “and” after clause ~~(3)~~ and by inserting
 19 before the period at the end of clause ~~(4)~~: “; and ~~(5)~~
 20 no grant shall be made for any project under this section
 21 in any State in an amount exceeding \$250,000 until a grant
 22 has been made thereunder for each project ~~(A)~~ for which
 23 an application was filed with the appropriate State water
 24 pollution control agency prior to the date of enactment of
 25 this clause and ~~(B)~~ which the Secretary determines met

1 the requirements of this section and regulations thereunder
2 as in effect prior to such date of enactment”.

3 ~~(c)~~ The third sentence of subsection ~~(c)~~ of such section
4 is amended by striking out the final period and inserting in
5 lieu thereof the following: “, except that any such allotment
6 which is not obligated within six months following the end
7 of the fiscal year for which it was made because of a lack
8 of projects which have been approved under subsection
9 ~~(b)(1)~~ of this section, or certified as entitled to priority
10 under subsection ~~(b)(4)~~ of this section, shall be reallocated
11 by the Secretary, on such basis as he determines to be rea-
12 sonable and equitable and in accordance with regulations
13 promulgated by him. Any amount made available to a State
14 by reallocations under the preceding sentence shall be in
15 addition to amounts otherwise allotted to such State under
16 this section, and shall be available for payments with respect
17 to projects in such State which have been approved under
18 this section prior to the close of the fiscal year following the
19 year for which the original allotment was made.”

20 ~~(d)~~ Subsection ~~(d)~~ of such section is amended by strik-
21 ing out “\$50,000,000” and inserting in lieu thereof “\$100-
22 000,000”, and by striking out “\$500,000,000” and insert-
23 ing in lieu thereof “\$1,000,000,000”.

1 ~~(e)~~ Such section is further amended by adding at the
2 end thereof the following new subsection:

3 ~~“(f)~~ The Secretary shall take such action as may
4 be necessary to insure that all laborers and mechanics em-
5 ployed by contractors or subcontractors on projects for which
6 grants are made under this section shall be paid wages at
7 rates not less than those prevailing on the same type of work
8 on similar construction in the immediate locality, as deter-
9 mined by the Secretary of Labor, in accordance with the Act
10 of March 3, 1931, as amended, known as the Davis-Bacon
11 Act (46 Stat. 1494; 40 U.S.C. 276a through 276a-5).”

12 SEC. 5. ~~(a)~~ The first sentence of subsection ~~(a)~~(1)
13 of section 7 of the Federal Water Pollution Control Act
14 is amended to read as follows: “There is hereby established
15 in the Department of Health, Education, and Welfare, a
16 Water Pollution Control Advisory Board, composed of the
17 Secretary or his designee, who shall be chairman, and nine
18 members appointed by the President, none of whom shall be
19 Federal officers or employees.”

20 ~~(b)~~ The first sentence of subsection ~~(a)~~(2) ~~(A)~~ or
21 such section 7 is amended by inserting before the period at
22 the end thereof: “, and ~~(iii)~~ the term of any member under

1 the preceding provisions shall be extended until the date
2 on which his successor's appointment is effective".

3 SEC. 6. Section 8 of the Federal Water Pollution Con-
4 trol Act is amended to read as follows:

5 "ENFORCEMENT MEASURES AGAINST POLLUTION OF
6 NAVIGABLE WATERS

7 "SEC. 8. (a) The pollution of navigable waters in or
8 adjacent to any State or States (whether the matter causing
9 or contributing to such pollution is discharged directly into
10 such waters or reaches such waters after discharge into a
11 tributary of such waters), which endangers the health or
12 welfare of any persons, shall be subject to abatement as
13 provided in this Act.

14 (b) Consistent with the policy declaration of this Act,
15 State and interstate action to abate pollution of navigable
16 waters shall be encouraged and shall not be displaced by
17 Federal enforcement action except as otherwise provided by
18 or pursuant to a final order issued in accordance with sub-
19 section (c) of this section or a court order under subsection
20 (g) of this section.

21 "(c) (1) Whenever requested by the Governor of any
22 State, a State water pollution control agency, or (with the
23 concurrence of the State water pollution control agency
24 for the State in which the municipality is situated) the gov-
25 erning body of any municipality, the Secretary shall, if such

1 request refers to pollution of navigable waters which is en-
 2 dangering the health or welfare of persons in a State other
 3 than that in which the discharge or discharges (causing or
 4 contributing to such pollution) originates, give formal notifi-
 5 cation thereof to the water pollution control agency and in-
 6 terstate agency, if any, of the State or States where such
 7 discharge or discharges originate and shall call promptly
 8 a conference of such agency or agencies and of the State
 9 water pollution control agency and interstate agency, if
 10 any, of the State or States, if any, which may be adversely
 11 affected by such pollution. Whenever requested by the Gov-
 12 ernor of any State, a State water pollution control agency,
 13 or (with the concurrence of the State water pollution
 14 control agency for the State in which the municipality is
 15 situated) the governing body of any municipality, the Sec-
 16 retary shall, if such request refers to pollution of navigable
 17 waters which is endangering the health or welfare of per-
 18 sons only in the requesting State in which the discharge or
 19 discharges (causing or contributing to such pollution) origi-
 20 nates, give formal notification thereof to the water pollution
 21 control agency and interstate agency, if any, of the request-
 22 ing State where such discharge or discharges originate and
 23 shall promptly call a conference of such agency or agencies
 24 and of the State water pollution control agency and inter-

1 state agency, if any, of the requesting State, unless, in the
2 judgment of the Secretary, the effect of such pollution on
3 the legitimate uses of the waters is not of such significance
4 to warrant exercise of Federal jurisdiction under this section.
5 The Secretary shall also call such a conference whenever, on
6 the basis of reports, surveys, or studies, he has reason to
7 believe that any pollution referred to in subsection (a) and
8 endangering the health or welfare of persons in a State other
9 than that in which the discharge or discharges originate is
10 occurring.

11 “(2) The agencies called to attend such conference may
12 bring such persons as they desire to the conference. Not
13 less than three weeks’ prior notice of the conference date
14 shall be given to such agencies.

15 “(3) Following this conference, the Secretary shall
16 prepare and forward to all the water pollution control agen-
17 cies attending the conference a summary of conference
18 discussions including (A) occurrence of pollution of navi-
19 gable waters subject to abatement under this Act; (B)
20 adequacy of measures taken toward abatement of the pollu-
21 tion; and (C) nature of delays, if any, being encountered
22 in abating the pollution.

23 “(d) If the Secretary believes, upon the conclusion of
24 the conference or thereafter, that effective progress toward
25 abatement of such pollution is not being made and that the

1 health or welfare of any persons is being endangered, he shall
2 recommend to the appropriate State water pollution control
3 agency that it take necessary remedial action. The Sec-
4 retary shall allow at least six months from the date he makes
5 such recommendations for the taking of such recommended
6 action.

7 “(c) If, at the conclusion of the period so allowed, such
8 remedial action is not taken or action which in the judg-
9 ment of the Secretary is reasonably calculated to secure
10 abatement of such pollution is not taken, the Secretary shall
11 call a public hearing, to be held in or near one or more of the
12 places where the discharge or discharges causing or con-
13 tributing to such pollution originated, before a Hearing Board
14 of five or more persons appointed by the Secretary. Each
15 State in which any discharge causing or contributing to such
16 pollution originates and each State claiming to be adversely
17 affected by such pollution shall be given an opportunity to
18 select one member of the Hearing Board and at least one
19 member shall be a representative of the Department of Com-
20 merce, and not less than a majority of the Hearing Board
21 shall be persons other than officers or employees of the De-
22 partment of Health, Education, and Welfare. At least
23 three weeks’ prior notice of such hearing shall be given to
24 the State water pollution control agencies and interstate
25 agencies, if any, called to attend the aforesaid hearing and

1 the alleged polluter or polluters. On the basis of the evi-
2 dence presented at such hearing, the Hearing Board shall
3 make findings as to whether pollution referred to in sub-
4 section (a) is occurring and whether effective progress to-
5 ward abatement thereof is being made.—If the Hearing
6 Board finds such pollution is occurring and effective progress
7 toward abatement is not being made it shall make recom-
8 mendations to the Secretary concerning the measures, if any,
9 which it finds to be reasonable and equitable to secure abate-
10 ment of such pollution.—Such findings and recommendations
11 shall be the findings and recommendations of the Secretary
12 except to the extent, on the basis of the evidence at such
13 hearing, he believes additional or different findings or recom-
14 mendations are warranted. The Secretary shall send his
15 findings and recommendations to the person or persons dis-
16 charging any matter causing or contributing to such pollu-
17 tion, together with an order specifying a reasonable time, but
18 not less than six months from the date of issuance of such
19 order, to secure abatement of such pollution in accordance
20 with such findings and recommendations.—Such order shall
21 become final on the sixtieth day after the date of its issuance
22 unless an appeal is taken as provided in subsection (f).
23 The Secretary shall also send a copy of such findings and
24 recommendations and such order to the water pollution con-

1 trol agencies and interstate agencies, if any, attending the
2 hearings as a party of record.

3 “(f) An appeal may be taken from any such order of
4 the Secretary by any person who has been made subject to
5 such order to the United States court of appeals for the cir-
6 cuit in which any discharge or discharges causing or con-
7 tributing to the pollution subject to abatement by such order
8 originates by filing with such court a notice of appeal within
9 sixty days from the date of issuance of the order. The juris-
10 diction of the court shall attach upon the filing of such notice.
11 A copy of such notice shall forthwith be transmitted by the
12 clerk of the court to the Secretary or any officer designated
13 by him for that purpose and to any other person who re-
14 ceived a copy of the Secretary's order. The Secretary shall
15 thereupon file in the court the record of the proceedings be-
16 fore the Hearing Board as provided in section 2112 of title
17 28, United States Code, together with his findings of fact
18 and recommendations. Such findings of the Secretary, if
19 supported by substantial evidence when considered on the
20 record as a whole, shall be conclusive, but the court for good
21 cause shown may remand the case to the Secretary for the
22 taking of additional evidence in such manner and upon such
23 terms and conditions as the court may deem proper. The

1 Secretary may thereupon make or cause to be made new or
2 modified findings of fact and recommendations, and he shall
3 file with the court the record of such further proceedings,
4 the new or modified findings and recommendations, and his
5 recommendations, if any, for the setting aside or modifica-
6 tion of his original order. Such new or modified findings
7 shall likewise be conclusive if supported by substantial
8 evidence when considered on the record as a whole.

9 “(g) Upon the basis of the record of the proceedings
10 filed with it, the court shall have jurisdiction to enter an
11 order affirming or setting aside, in whole or in part, the
12 order of the Secretary. The judgment of the court shall be
13 final, subject to review by the Supreme Court of the United
14 States upon certiorari or certiatiton as provided in section
15 1254 of title 28 of the United States Code.

16 “(h) The United States district courts shall have juris-
17 diction of any civil action brought by the Attorney General
18 at the request of the Secretary to enforce any order issued
19 under this section by the Secretary, or by a United States
20 court of appeals.

21 “(i) Members of any Hearing Board appointed pur-
22 suant to subsection (e) who are not regular full-time officers
23 or employees of the United States shall, while participating
24 in the hearing conducted by such Board or otherwise
25 engaged on the work of such Board, receive compensation

1 at a rate fixed by the Secretary, but not exceeding \$100
2 per diem, including travel time, and while away from their
3 homes or regular places of business they may be allowed
4 travel expenses, including per diem in lieu of subsistence, as
5 authorized by law (~~5 U.S.C. 73b-2~~) for persons in the
6 Government service employed intermittently.

7 “~~(j)~~ As used in this section, the term ‘person’ includes
8 an individual, corporation, partnership, association, State,
9 municipality, and political subdivision of a State.

10 “~~(k)~~ As used in this section, the term ‘municipality’
11 means a city, town, borough, county, parish, district, or
12 other public body created by or pursuant to State law.”

13 SEC. 7. Section 9 of the Federal Water Pollution Con-
14 trol Act is amended by adding at the end thereof the follow-
15 ing new sentences: “In his summary of any conference pur-
16 suant to section ~~8(e)(3)~~ of this Act, the Secretary shall
17 include references to any discharges allegedly contributing
18 to pollution from any Federal property. Notice of any
19 hearing pursuant to section ~~8(e)~~ involving any pollution
20 alleged to be effected by any such discharges shall also be
21 given to the Federal agency having jurisdiction over the
22 property involved and the findings and recommendations of
23 the Hearing Board conducting such hearing shall also include
24 references to any such discharges which are contributing to
25 the pollution found by such Hearing Board.”

1 SEC. 8. Section 11 of the Federal Water Pollution
2 Control Act is amended by striking out subsections (d) and
3 (e) and inserting in lieu thereof the following:

4 “(d) The term ‘State’ means a State, the District of
5 Columbia, the Commonwealth of Puerto Rico, the Virgin
6 Islands, and Guam.

7 “(e) The term ‘interstate waters’ means all rivers,
8 lakes, and other waters that flow across or form a part of
9 State boundaries, including coastal waters.”

10 SEC. 9. In the case of any discharge or discharges caus-
11 ing or contributing to water pollution with respect to which
12 the actions of the Surgeon General or the Secretary pre-
13 scribed under section 8 of the Federal Water Pollution
14 Control Act, as in effect prior to the enactment of this Act,
15 have already been completed prior to such enactment, the
16 provisions of such section as so in effect shall continue to be
17 applicable until the pollution caused by such discharge or
18 discharges has been abated.

19 SEC. 10. This Act may be cited as the “Federal Water
20 Pollution Control Act Amendments of 1961”.

21 *That section 2 of the Federal Water Pollution Control Act*
22 *is amended by inserting “(a)” after “SEC. 2.” and by*
23 *inserting at the end of such section the following:*

24 “(b)(1) *In the survey or planning of any reservoir by*
25 *the Corps of Engineers, Bureau of Reclamation, or other*

1 *Federal agency, consideration shall be given to inclusion of*
2 *storage for regulation of streamflow for the purpose of water*
3 *quality control, except that any such storage and water*
4 *releases shall not be provided as a substitute for adequate*
5 *treatment or other methods of controlling waste at the source.*

6 “(2) *The need for and the value of storage for this*
7 *purpose shall be determined by these agencies, with the ad-*
8 *vice of the Surgeon General, and his views on these matters*
9 *shall be set forth in any report or presentation to the Congress*
10 *proposing authorization or construction of any reservoir*
11 *including such storage.*

12 “(3) *The value of such storage shall be taken into*
13 *account in determining the economic value of the entire project*
14 *of which it is a part, and costs shall be allocated to the purpose*
15 *of water quality control in a manner which will insure that*
16 *all project purposes share equitably in the benefits of multiple-*
17 *purpose construction.*

18 “(4) *Costs of water quality control features incorpo-*
19 *rated in any Federal reservoir or other impoundment under*
20 *the provisions of this Act shall be determined and the bene-*
21 *ficiaries identified and if the benefits are widespread or na-*
22 *tional in scope, the costs of such features shall be nonreim-*
23 *bursable.”*

24 *SEC. 2. (a) Section 4(a) of the Federal Water Pollu-*
25 *tion Control Act is amended by striking out “and” at the*

1 *end of clause (4), by striking out the period at the end of*
2 *clause (5) and inserting in lieu thereof a semicolon and*
3 *the word "and", and by inserting at the end of such section*
4 *the following:*

5 “(6) establish, equip, and maintain research and
6 field demonstration facilities, giving consideration in
7 establishing such facilities to locations which will facili-
8 tate cooperation with institutions of higher education,
9 and for the purposes of this clause (A) the Surgeon
10 General may acquire land and interests therein, accept
11 in the name of the United States donations of property,
12 real or personal, subject to such conditions as he may
13 deem appropriate, and utilize uncompensated services,
14 (B) the Surgeon General may contract or make other
15 arrangements for the use of such facilities as he may
16 determine, and (C) there is authorized to be appro-
17 priated not more than \$10,000,000.”

18 (b) Section 4 of such Act is further amended by insert-
19 *ing at the end thereof the following:*

20 “(d) (1) In carrying out the provisions of this section
21 *the Surgeon General shall develop and demonstrate under*
22 *varied conditions (including conducting such basic and ap-*
23 *plied research, studies, and experiments as may be*
24 *necessary):*

25 “(A) Practicable means of treating municipal sew-

age and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

“(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

“(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

“(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.

“(e) The Surgeon General shall establish, equip, and maintain field laboratory facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of technical investigations, experiments, field demonstrations and studies, and training

1 relating to the prevention and control of water pollution. In-
2 sofar as practicable, each such facility shall be located near
3 institutions of higher learning in which graduate training in
4 such activities might be carried out."

5 SEC. 3. Section 5(a) of the Federal Water Pollution
6 Control Act is amended by striking out "June 30, 1961,
7 \$3,000,000" and inserting in lieu thereof "June 30, 1966,
8 \$5,000,000".

9 SEC. 4. Section 6 of the Federal Water Pollution Con-
10 trol Act is amended as follows:

11 (1) Clause (2) of subsection (b) of such section 6
12 is amended to read as follows: "(2) except as otherwise
13 provided in this clause, no grant shall be made for any
14 project in an amount exceeding 30 per centum of the esti-
15 mated reasonable cost thereof as determined by the Surgeon
16 General, or in an amount exceeding \$500,000, whichever
17 is the smaller: Provided, That the grantee agrees to pay the
18 remaining cost: Provided further, That no grant of more
19 than \$250,000 shall be approved for a project in any State
20 until all previously filed qualified applications from that
21 State and political subdivisions thereof for grants not ex-
22 ceeding \$250,000 have first been approved: Provided fur-
23 ther, That, in the case of a project which will serve more
24 than one municipality, the Surgeon General shall, on such
25 basis as he determines to be reasonable and equitable, allo-

1 cate to each municipality to be served by such project its
 2 share of the estimated reasonable cost of such project, and
 3 shall then apply the limitations provided in this clause
 4 (2) to each such share as if it were a separate project to
 5 determine the maximum amount of any grant which could
 6 be made under this section with respect to each such share,
 7 and the total of all the amounts so determined shall be the
 8 maximum amount of the grant which may be made under
 9 this section on account of such project;”.

10 (2) The third sentence of subsection (c) of such sec-
 11 tion 6 is amended to read as follows: “Sums allotted to a
 12 State under the preceding sentence which are not obligated
 13 at the end of the fiscal year following the fiscal year for
 14 which they were allotted because of a lack of projects which
 15 have been approved by a State water pollution control
 16 agency under subsection (b)(1) of this section or certified
 17 as entitled to priority under subsection (b)(4) of this sec-
 18 tion, shall be reallocated by the Surgeon General, on such
 19 basis as he determines reasonable and equitable and in
 20 accordance with regulations promulgated by him, to States
 21 having projects approved under this section for which grants
 22 have not been made because of lack of funds: Provided, how-
 23 ever, That whenever the Surgeon General finds that the
 24 need for a project in a community in such State is due in
 25 part to Federal institutions or Federal construction activity,

1 he may, prior to such reallotment, make an additional allo-
2 cation to such project which will in his judgment reflect an
3 equitable contribution for the need caused by the Federal
4 activity. Any sum made available to a State by reallot-
5 ment under the preceding sentence shall be in addition to
6 any funds otherwise allotted to such State under this Act.
7 The allotments of a State under the second and third sen-
8 tences of this subsection shall be available, in accordance
9 with the provisions of this section, for payments with respect
10 to projects in such State which have been approved under
11 this section."

12 (3) Subsection (d) of such section 6 is amended to read
13 as follows:

14 "(d) There is hereby authorized to be appropriated, for
15 the purpose of making grants under this section, \$70,000,000
16 for the fiscal year ending June 30, 1962, \$80,000,000 for
17 the fiscal year ending June 30, 1963, \$90,000,000 for the
18 fiscal year ending June 30, 1964, \$100,000,000 for the
19 fiscal year ending June 30, 1965, and \$100,000,000 for
20 the fiscal year ending June 30, 1966. Sums so appropriated
21 shall remain available until expended."

22 (4) Section 6 is further amended by adding at the end
23 thereof the following new subsection:

24 "(f) The Surgeon General shall take such action as
25 may be necessary to insure that all laborers and mechanics

1 employed by contractors or subcontractors on projects for
 2 which grants are made under this section shall be paid wages
 3 at rates not less than those prevailing on the same type of
 4 work on similar construction in the immediate locality, as
 5 determined by the Secretary of Labor, in accordance with
 6 the Act of March 3, 1931, as amended, known as the Davis-
 7 Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through
 8 276a-5)."

9 SEC. 5. (a) Subsection (a) of section 8 of the Federal
 10 Water Pollution Control Act is amended to read as follows:

11 "ENFORCEMENT MEASURES AGAINST POLLUTION OF
 12 INTERSTATE OR NAVIGABLE WATERS

13 "SEC. 8. (a) The pollution of interstate or navigable
 14 waters in or adjacent to any State or States (whether the mat-
 15 ter causing or contributing to such pollution is discharged
 16 directly into such waters or reaches such waters after dis-
 17 charge into a tributary of such waters), which endangers
 18 the health or welfare of any persons, shall be subject to
 19 abatement as provided in this Act."

20 (b) Subsection (b) of such section is amended by strik-
 21 ing out "interstate" and inserting in lieu thereof "interstate
 22 or navigable".

23 (c) Paragraph (1) of subsection (c) of such section is
 24 amended to read as follows:

25 "(c)(1) Whenever requested by the Governor of any

1 State or a State water pollution control agency, the Surgeon
2 General shall, if such request refers to pollution of waters
3 which is endangering the health or welfare of persons in a
4 State other than that in which the discharge or discharges
5 (causing or contributing to such pollution) originate, give
6 formal notification thereof to the water pollution control
7 agency and interstate agency, if any, of the State or States
8 where such discharge or discharges originate and shall call
9 promptly a conference of such agency or agencies and of the
10 State water pollution control agency and interstate agency,
11 if any, of the State or States, if any, which may be ad-
12 versely affected by such pollution. Whenever requested by
13 the Governor of any State, the Surgeon General shall, if
14 such request refers to pollution of interstate or navigable
15 waters which is endangering the health or welfare of persons
16 only in the requesting State in which the discharge or dis-
17 charges (causing or contributing to such pollution) originates,
18 give formal notification thereof to the water pollution control
19 agency and interstate agency, if any, of the requesting State
20 where such discharge or discharges originate and shall
21 promptly call a conference of such agency or agencies and of
22 the State water pollution control agency and interstate agency,
23 if any, of the requesting State, unless, in the judgment of the
24 Surgeon General, the effect of such pollution on the legitimate
25 uses of the waters is not of such significance to warrant exer-

1 cise of Federal jurisdiction under this section. The Surgeon
2 General shall also call such a conference whenever, on the
3 basis of reports, surveys, or studies, he has reason to believe
4 that any pollution referred to in subsection (a) and endan-
5 gering the health or welfare of persons in a State other than
6 that in which the discharge or discharges originate is occur-
7 ring.”

8 (d) Paragraph (3)(A) of subsection (c) of such sec-
9 tion is amended by striking out “interstate” and inserting
10 in lieu thereof “interstate or navigable”.

11 (e) Subsection (d) of such section is amended by strik-
12 ing out “persons in a State other than that in which the
13 discharge originates” and insert in lieu thereof “any persons”.

14 SEC. 6. Section 301(b) of the Water Supply Act of
15 1958 (72 Stat. 319), is amended by striking out all be-
16 ginning with “Provided,” in the first proviso to the colon at
17 the end of the second proviso and inserting in lieu thereof
18 the following: “Provided, That the cost of any construction
19 or modification authorized under the provisions of this sec-
20 tion shall be determined on the basis that all authorized pur-
21 poses served by the project shall share equitably in the bene-
22 fits of multiple purpose construction, as determined by the
23 Secretary of the Army or the Secretary of the Interior, as
24 the case may be: Provided further, That before construction
25 or modification of any project including water supply pro-

1 *visions for present demand is initiated, State or local interests*
2 *shall agree to pay for the cost of such provisions in accord-*
3 *ance with the provisions of this section: And provided further,*
4 *That not to exceed 30 per centum of the total estimated*
5 *cost of any project may be allocated to anticipated future*
6 *demands where State or local interests give reasonable assur-*
7 *ances, and there is reasonable evidence, that such demands*
8 *for the use of such storage will be made within a period of*
9 *time which will permit paying out the costs allocated to water*
10 *supply within the life of the project”.*

Amend the title so as to read: “An Act to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, and for other purposes.”

Passed the House of Representatives May 3, 1961.

Attest:

RALPH R. ROBERTS,

Clerk.

Passed the Senate with amendments June 22, 1961.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 1961

Ordered to be printed with the amendments of the
Senate

7. EDUCATIONAL EXCHANGES. Began debate on S. 1154, to provide for the improvement and strengthening of the educational and cultural exchange program. pp. 10576, 10580-5
8. EDUCATION. Sen. Mundt and others urged enactment of legislation to extend the program of Federal aid to schools in Federally-impacted areas. pp. 10552-3
9. FOREIGN TRADE. Sen. Javits inserted a newspaper article, "New Policy Due on Foreign Trade," stating that "The Kennedy Administration must soon get to work on the detailed drafting of its own foreign trade policy." pp. 10556-7
10. AREA REDEVELOPMENT. Sen. Ervin inserted his statement commending the area redevelopment program. p. 10559
11. HOUSING. Sen. Sparkman commended the conference report on the housing bill and urged early consideration of the report. pp. 10596-7
Sen. Bush criticized the conference report on the housing bill and urged the Senate to reject the report and instruct the Banking and Currency Committee to report "to the floor a new housing bill which recognizes the need for fiscal prudence in domestic programs." pp. 10615-7
12. NOMINATION. Received the nomination of Robert E. Hampton to be a Civil Service Commissioner. p. 10619
13. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the conference report on the housing bill, and H. R. 7677, to increase the public debt limit, will be considered today, and that S. 1154, the educational exchange bill, will be considered on Thurs. p. 10610

HOUSE

14. HOUSING; FARM LOANS. Received the conference report on S. 1922, the omnibus housing bill (H. Rept. 602), retaining the Senate amendment making lessees of farmland eligible for farm housing assistance under title V of the Housing Act of 1949. For additional items of interest to this Department, see Digest 95. pp. 10644-60, 10668
15. VETERANS' LOANS. Agreed to the Senate amendment, with an amendment by Rep. Teague, Tex., on H. R. 5723, to extend the veterans' guaranteed and direct home loan program. pp. 10620-1
16. APPROPRIATIONS. Began debate on H. R. 7851, the Defense appropriation bill. pp. 10621-43
The Appropriations Committee was granted until midnight Mon., July 10, to file a report on the D. C. appropriation bill. p. 10644
17. ATOMIC ENERGY. The Rules Committee reported a resolution for consideration of H. R. 7576, to authorize appropriations for the Atomic Energy Commission. p. 10668
18. WATER POLLUTION CONTROL. Conferees were appointed on H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. Senate conferees have already been appointed. pp. 10643-4
19. RECLAMATION. Rep. Aspinall discussed the Federal reclamation programs and said, "Reclamation farms are more than twice as productive, acre for acre, as other farms." pp. 10662-5

20. PUBLIC DEBT. Reps. Dominick and Battin criticized the proposal to raise the public debt limit. pp. 10666-7
21. PERSONNEL. The Post Office and Civil Service Committee reported with amendments H. R. 2555, to provide for allotment and advancement of pay with respect to civilian employees of the U. S. in cases of emergency evacuation in oversea areas (H. Rept. 584). p. 10668
The Rules Committee reported a resolution for consideration of H. R. 6141, to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the U. S. p. 10668
22. WATERSHEDS. The Agriculture Committee voted to report with amendments (but did not actually report) H. R. 3462, to amend the Watershed Protection and Flood Prevention Act to permit certain new organizations to sponsor works of improvement thereunder. p. D511
23. GRAPES AND PLUMS. The Agriculture Committee voted to report (but did not actually report) H. R. 6253, to permit exemption of certain grapes and plums from the act of September 2, 1960, requiring standards for exported grapes and plums. p. D511
24. EDUCATION. The Education and Labor Committee "Met in executive session and ordered a clean bill introduced in the House in lieu of H. R. 6774, to extend and improve the National Defense Education Act." p. D511
25. DELAWARE RIVER BASIN. The Rules Committee granted a rule for the consideration of H. J. Res. 225, to grant the consent of Congress to the Delaware River Basin Compact. p. D512
26. LEGISLATIVE PROGRAM. Rep. McCormack announced that the conference report on the housing bill will be considered today, June 28, and probably H. R. 7678, to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the U. S. (p. 10660). Agreed to consider the D. C. appropriation bill Wed., July 12 (p. 10641).

ITEMS IN APPENDIX

27. ELECTRIFICATION. Extension of remarks of Rep. Van Zandt inserting an editorial, "Public Power Advocates Wedge Into A-Energy Field." pp. A4830-2
28. RESEARCH. Extension of remarks of Sen. Anderson inserting two articles favoring expansion and development of saline water conversion programs. pp. A4832-3
29. SOCIAL SECURITY. Extension of remarks of Rep. Marshall inserting an article, "Social Security Gives Farm People Independence," and stating that it is an interesting study on the attitude of farmers toward social security. pp. A4836-7
30. BUDGET; PUBLIC DEBT. Speech in the House by Rep. Udall during debate on the bill to increase the public debt limit. pp. A4842-4
31. PERSONNEL. Extension of remarks of Rep. Daddario commending and inserting a review of Dr. Earl Lindveit's book, "Scientists in Government." p. A4845

they have done extremely well and the entire system is quite reliable for the initial period of its development. There is every reason to believe that continued improvement both as to quality and performance will be achieved as the Navy continues to bring more of these powerful ships into being on an accelerated schedule. To me, the Polaris system is an indication that as we go more and more into the time area of these tremendous weapons, satellites, space travel, and like, it seems that the seas, the open oceans of the world, become increasingly attractive as a place in which to base these tremendous weapons of war. These great submarines moving beneath the water cannot be detected by satellites circling around this globe and their ability to move from one part of the world to another via the open oceans, make it a most powerful weapon indeed.

The significance of this weapon in our arsenal can hardly be overestimated. Cruising silently and quietly in the great depths of the oceans with thousands of square miles available to them, surrounded by friendly land masses not available to potential enemies for erection of detection devices, the Polaris submarines can be considered relatively invulnerable to surprise attack. Each of these submarines, packing more punch in TNT equivalent than all of the bombs dropped by both sides in World War II, including the two A-bombs, makes a marked contribution to the defense posture of this country. The long, 20-year life of the Polaris submarine is a welcome contrast to high obsolescent rate weapons of other types which fit into our deterrent defense arsenal. It is felt that this weapon system should do much to stabilize the larger expenditures which this country necessarily must make to provide an appropriate major war defense capability.

These characteristics and the fine performance of the naval industrial team was recognized by our President when he showed special confidence in the system by bringing forward into fiscal 1961, 5 Polaris submarines which had been programmed for fiscal year 1962, making a total of 10 in fiscal year 1961 for a grand total through that year of 19 Polaris submarines, built or building. Then, again in fiscal year 1962, the President has asked that the Congress authorize and appropriate funds for 10 additional submarines for a total of 29 submarines through fiscal year 1962.

Included in the fiscal year 1962 program are funds for new, more powerful, and longer range missiles, the A-3, which will add four times the sea room which these can use and still keep targets under surveillance. Result of this acceleration and augmentation will cause these submarines to be produced at the rate of about one a month about 2 years from now and these should provide a most welcome addition to our defense posture.

There are no long leadtime items in fiscal year 1962 for submarines in fiscal year 1963. In response to questions, it is my understanding that the Secretary of Defense has stated that studies are

now underway to determine what the particular mix of weapons of this kind should be and that when this is decided that there may be or may not be requirements for long leadtime items for future Polaris submarines. It takes some 42 months to build, construct and provide a well-equipped Polaris submarine to the fleet. This long leadtime has in the past been cut to some 30-odd months through Congress in a timely way providing certain long leadtime items a year ahead of the actual laying-down of the submarines. When one takes a look at the intricate construction of one of these tremendous submarines we all can be proud of the ingenuity and skill of the American people which has brought into being some 3 years ahead of schedule this tremendous weapon system. Free men working in a free society can always lead the way if properly motivated and properly lead.

Mr. Chairman, my prayerful hope is that it will never be necessary to fire a single one of our Polaris missiles in anger, but it is comforting to know that through the years ahead increasing numbers of missiles will be added to the fleet, and each one will be capable of being fired on a fixed target with deadly accuracy and with a tremendously destructive warhead, from hidden bases.

These well known facts should make any potential enemy stop, look and listen.

(Mr. SEELY-BROWN (at the request of Mr. Ford) was given permission to extend his remarks at this point in the RECORD.)

Mr. SEELY-BROWN. Mr. Chairman, I have followed with interest the presentation by the able floor manager of this bill, and I would like to comment very briefly about a reference in the committee report on the Department of Defense appropriation bill, because it supports a cause in which I have labored—vainly up to now, I might add.

On page 42 of the committee's printed report on this bill, under the subtitle "Proper Utilization of Production Facilities," the committee says:

Maximum advantage should be taken of both public and private facilities to insure, not only that such a base is available in the event of mobilization, but that proper use is made of all competition possible in the various procurement areas. Particularly is there a need for further studies of the policies relating to the awarding of contracts to private and naval shipyards. The committee is not convinced that the Department of the Navy is taking proper advantage of the strong element of competition which is available in the shipbuilding and repair field.

It was my own realization of this fact, Mr. Chairman, which moved me, earlier in this session, to introduce H.R. 5357, under the provisions of which at least 75 percent of all remodeling, modernization and repair of naval vessels would be required to be done in private shipyards. The Department of Defense objected, said it would tie its hands, and would be contrary to the best interests of the national defense, and that was the end of that.

However, the powerful Appropriations Committee has now made the same point that I was trying to make, and I believe

that we have here a subject which deserves serious consideration and action, and not to be dismissed out of hand, as it has been.

(Mr. ROUDEBUSH (at the request of Mr. Ford) was given permission to extend his remarks at this point in the RECORD.)

Mr. ROUDEBUSH. Mr. Chairman, I rise to compliment the gentleman from Texas and the Committee on Appropriations for the Department of Defense appropriations bill for 1962.

I would especially like to comment on page 7 of that report, concerning long-range bomber production in the United States.

It is noted that the committee recommends a total appropriation for the production of long-range bombers in the sum of \$448,840,000, and especially note that the committee specifically recommends that first preference in the use of available funds be given to the acceleration of the B-70 bomber program.

I certainly concur with the committee in its decision that the Department of Defense has gone too far in proposing the discontinuation during calendar year 1962 of production of the B-52 and B-58 bomber while at the same time restricting the development of other manned bombers, especially the B-70.

It has long been felt that our very formidable force of manned bombers constitute the greatest deterrent to war, and the recommendations of this committee will provide adequate funds to assure us of an adequate force of such manned bombers.

I am acutely aware of the limitations of both intercontinental and intermediate range missiles, and I feel that every citizen of the United States feels a great sense of relief in these battle-ready squadrons of heavy bombers deployed throughout the world. The airborne alert practices and capabilities of such force, to me, provides a great assurance of the ability to perform massive retaliation in case of attack. I sincerely hope that the total appropriation for long-range bombers earmarked in this bill be approved by this body.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. KEOGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7851) making appropriations for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes, had come to no resolution thereon.

WATER POLLUTION CONTROL

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

The Chair hears none, and appoints the following conferees: Messrs. BLATNIK, FALLON, JONES of Alabama, SMITH of Mississippi, CRAMER, BALDWIN, and SCHWENGEL.

PERMISSION TO REVISE AND EXTEND REMARKS ON DEFENSE APPROPRIATION BILL

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members who spoke on the Defense appropriation bill today be permitted to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

HEIRS OF ANTHONY BOURBONNAIS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4500) to donate to the heirs of Anthony Bourbonnais approximately thirty-six one-hundredths acre of land in Pottawatomie County, Okla., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment; as follows:

Line 10, after "less" insert: ", subject to a reservation to the United States of a right of access across such land whenever needed for public purposes."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1962

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight Monday, July 10, to file a report on the District of Columbia appropriation bill, 1962.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FORD reserved all points of order on the bill.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order to consider the District of Columbia appropriation bill in the House on Wednesday, July 12.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUSING BILL

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the con-

ferrees may have until midnight tonight to file a conference report on the bill S. 1922, the omnibus housing bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The conference report and statement follow:

CONFERENCE REPORT (H. REPT. NO. 602)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1922) to assist in the provision of housing for moderate and low income families, to promote orderly urban development, to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Housing Act of 1961'."

"TITLE I—NEW HOUSING PROGRAMS

"Housing for moderate income families

"SEC. 101. (a) Section 221 of the National Housing Act is amended by—

"(1) inserting before the text of such section a section heading as follows:

"*'Housing for moderate income and displaced families'*;

"(2) striking out subsection (a) and inserting in lieu thereof the following:

"*'(a) This section is designed to assist private industry in providing housing for low and moderate income families and families displaced from urban renewal areas or as a result of governmental action.'*

"(3) inserting in subsection (b) after 'any mortgage' the following: '(including advances during construction on mortgages covering property of the character described in paragraphs (3) and (4) of subsection (d) of this section)';

"(4) striking out in subsection (d) (2) '(A) not to exceed' and all that follows down through 'other prepaid expenses' and inserting in lieu thereof the following: '(A) not to exceed (i) \$11,000 in the case of a property upon which there is located a dwelling designed principally for a single-family residence, (ii) \$18,000 in the case of a property upon which there is located a dwelling designed principally for a two-family residence, (iii) \$27,000 in the case of a property upon which there is located a dwelling designed principally for a three-family residence, or (iv) \$33,000 in the case of a property upon which there is located a dwelling designed principally for a four-family residence: *Provided*, That a mortgage secured by property upon which there is located a dwelling designed principally for a two-, three-, or four-family residence shall not be insured under this section except in the case of a dwelling for occupancy by a family displaced from an urban renewal area or as a result of governmental action: *Provided further*, That the Commissioner may increase the foregoing amounts to not to exceed \$15,000, \$25,000, \$32,000, and \$38,000, respectively, in any geographical area where he finds that cost levels so require; and (B) not to exceed the appraised value of the property (as of the date the mortgage is accepted for insurance): *Provided*, That (i) if the mortgagor is the owner and an occupant of the property at the time of insurance, (1) in the case of a family displaced from an urban renewal area or as a result of Government action, he shall have paid on account of the property at least \$200 in the case of a single-

family dwelling, \$400 in the case of a two-family dwelling, \$600 in the case of a three-family dwelling, and \$800 in the case of a four-family dwelling, or (2) in the case of any other family, he shall have paid on account of the property at least 3 per centum of the Commissioner's estimate of its acquisition cost; which amount in either instance may include amounts to cover settlement costs and initial payments for taxes, hazard insurance, mortgage insurance premium, and other prepaid expenses; or (ii) in the case of repair and rehabilitation, the amount of the mortgage shall not exceed the sum of the estimated cost of repair and rehabilitation and the Commissioner's estimate of the value of the property before repair and rehabilitation, except that in no case involving refinancing shall such mortgage exceed such estimated cost of repair and rehabilitation and the amount (as determined by the Commissioner) required to refinance existing indebtedness secured by the property";

"(5) striking out the last proviso in subsection (d) (2);

"(6) striking out subsection (d) (3) and inserting in lieu thereof the following:

"*'(3) if executed by a mortgagor which is a public body or agency (and which certifies that it is not receiving financial assistance from the United States exclusively pursuant to the United States Housing Act of 1937), a cooperative (including an investor-sponsor who meets such requirements as the Commissioner may impose to assure that the consumer interest is protected), or a limited dividend corporation (as defined by the Commissioner), or a private nonprofit corporation or association regulated or supervised under Federal or State laws or by political subdivisions of States, or agencies thereof, or by the Commissioner under a regulatory agreement or otherwise, as to rents, charges, and methods of operation, in such form and in such manner as in the opinion of the Commissioner will effectuate the purposes of this section—*

"(i) not exceed \$12,500,000;

"(ii) not exceed for such part of such property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), \$2,250 per room (or \$8,500 per family unit if the number of rooms in such property or project is less than four per family unit), except that the Commissioner may in his discretion increase the dollar amount limitation of \$2,250 per room to not to exceed \$2,750 per room, and the dollar amount limitation of \$8,500 per family unit to not to exceed \$9,000 per family unit, as the case may be, to compensate for higher costs incident to the construction of elevator-type structures of sound standards of construction and design, and except that the Commissioner may increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed \$1,000 per room without regard to the number of rooms being less than four, or four or more, in any geographical area where he finds that cost levels so require; and

*"(iii) not exceed (1) in the case of new construction, the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed improvements are completed (the replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner), or (2) in the case of repair and rehabilitation, the sum of the estimated cost of repair and rehabilitation and the Commissioner's estimate of the value of the property before repair and rehabilitation: *Provided*, That in no case involving refinancing shall such mortgage exceed such*

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OFFICE OF
BUDGET AND FINANCE
(For information only;
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HIGHLIGHTS: Both Houses agreed to conference report on housing bill. Rep. Young, Ohio, urged Federal aid for migratory farm workers. Rep. Miller criticized allocation of sugar quota for Philippines. Rep. Breeding introduced and discussed bill to extend present soil bank contracts.

SENATE

1. **HOUSING; FARM LOANS.** Both Houses agreed to the conference report on S. 1922, the omnibus housing bill (pp. 10701-9, 10742-4, 10747-8, 10753-81). The Senate rejected, 42 to 47, a motion by Sen. Bush to recommit the conference report with instructions to the Senate conferees not to exceed the Administration's requests for authorizations (pp. 10754-79). This bill will now be sent to the President. See Digests 95 and 107 for items of interest to this Department.
2. **PUBLIC DEBT.** Passed without amendment H. R. 7677, to increase the public debt limit by \$13 billion, from \$285 billion to \$298 billion, for a temporary period ending June 30, 1962. This bill will now be sent to the President. pp. 10740-2, 10792-801
3. **VETERANS' LOANS.** Agreed to the House amendment to H. R. 5723, to extend the veterans' guaranteed and direct home loan program. This bill will now be sent to the President. p. 10781

4. TRANSPORTATION. Passed without amendment S. 2154, to provide for the operation of steamship conferences. pp. 10786-8
5. FARM LABOR. Sen. Young, Ohio, expressed concern over the conditions of migratory farm workers, urged enactment of legislation to provide a program of Federal assistance for such workers, and inserted an article, "Migrant Workers' Plight." pp. 10733-4
6. WATER POLLUTION. The "Daily Digest" states that conferees "agreed to file a conference report on the differences between the Senate- and House-passed versions of H. R. 6441, Federal Water Pollution Control Act Amendments." p. D521
7. HORSEMEAT IMPORTS. The Finance Committee voted to report (but did not actually report) with amendment H. R. 4591, to continue through June 30, 1962, the suspension of duties on metal scrap with an amendment "so as to include text of S. 1718, to place horsemeat on the free list." p. D516
8. SURPLUS COMMODITIES; FOREIGN TRADE. Sen. Bennett expressed concern over his "understanding that the Department of Agriculture will utilize the Public Law 480 program to sell certain surplus farm commodities to foreign lands for dollars which will be used to purchase lead and zinc for a supplemental Government stockpile." He stated that he had been advised that the administration will soon enter into an agreement with Canada for the barter of U. S. wheat for Canadian lead. p. 10748
9. EDUCATION. Sen. Bennett urged enactment of legislation to continue the program of Federal assistance to schools in federally impacted areas. p. 10748
10. FARM MACHINERY; FOREIGN AFFAIRS. Sen. Keating urged the public to again contribute money for the purchase of farm tractors to send to Cuba in exchange for prisoners. p. 10734
11. LEGISLATIVE PROGRAM. Sen. Mansfield announced that today, June 29, the calendar will be called and S. 1154, the educational exchange bill, will be considered. pp. 10781-2

HOUSE

12. APPROPRIATIONS. By a vote of 412 to 0, passed without amendment H. R. 7851, the Defense Department appropriation bill for 1962. pp. 10672-98
13. SUGAR. Rep. George P. Miller criticized the USDA handling of Philippine sugar quotas, contended that quotas which should have been allocated to the Philippines were allocated to India and Brazil, and inserted an article, "Sugar Deal Sours Filipinos -- United States Wins India, Spurns Loyal Ally." He said "action was taken against the Philippines ... without due process of law." pp. 10710-1
14. EDUCATION. The Education and Labor Committee voted to report (but did not actually report) H. R. 7904, to extend and improve the National Defense Education Act. p. D518
Rep. Rodino said that his bill H. R. 4351, authorizing \$17.5 million annually to provide for national defense scholarships, should be included in H. R. 6774, to amend the National Defense Education Act of 1958. p. 10723

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87th-1st, Nos. 112 and 113

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HIGHLIGHTS: Senate committee adopted corn and feed grain and wheat program for 1962. Senate committee voted to report bills to authorize emergency livestock loans and to authorize annual appropriations to reimburse CCC for net realized losses. Senate committee agreed to exclude soybeans, cottonseed, flaxseed, and honey from marketing order provisions of farm bill. Senate passed measure to extend date for holding 1961 wheat referendum. Senate committee voted to report bill to increase per diem travel rates.

SENATE - July 6

1. FARM PROGRAM. The "Daily Digest" states that the Agriculture and Forestry Committee, in considering the farm bill, S. 1643, "adopted (1) a wheat program for 1962, providing for a 10-percent mandatory reduction in acreage allotments with an additional 30-percent voluntary reduction in acreage allotments, and (2) a corn and feed grain program for 1962, providing a 20-percent mandatory reduction in order to be eligible for price supports, and would apply only to corn, grain sorghums, and barley." p. D538
2. THE AGRICULTURE AND FORESTRY COMMITTEE voted to report the following bills:
p. D538
S. 763, without amendment, to authorize annual appropriations to reimburse CCC for net realized losses sustained during any fiscal year in lieu of annual appropriations to restore capital impairment based on annual Treasury appraisals;
S. 1710, with amendment, to continue the authority for emergency livestock loans;
S. 1873, without amendment, to permit CCC commodities donated for use in home economics courses to also be used under certain circumstances for training college students; and

S. 1107, with amendment, to continue the exemption of production of Durum wheat in portions of Modoc and Siskiyou Counties, Calif., from acreage allotments and marketing quota restrictions.

HOUSE - July 6

3. APPROPRIATIONS. Received from the President amendments to the budget for 1962 "involving a decrease of \$509,500,000 for the Agency for International Development, an increase of \$85 million for military assistance, and an increase in limitation on administrative expenses in the amount of \$260,000 for the Export-Import Bank of Washington" (H. Doc. 208); to Appropriations Committee. p. 11143
4. WATER POLLUTION. Received the conference report on H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control (H. Rept. 675). pp. 11137-41, 11144
5. BUDGETING. Received from the Budget Bureau a proposed bill to eliminate the requirements for certain detailed estimates in the annual budgets; to Government Operations Committee. p. 11144
6. EDUCATION. The Education and Labor Committee reported without amendment H. R. 7904, to extend and improve the National Defense Education Act (H. Rept. 674). p. 11144
7. LEGISLATIVE PROGRAM. Rep. Boggs announced the following program for the week of July 10: Mon., S. 796, relating to the use by States of surplus property, and H. R. 7391, to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential water fowl habitats; Tues., H. R. 6141, to amend the Hiss Act in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the U. S.; Wed. and the balance of the week, the D. C. appropriation bill, 1962, and H. R. 7576, the atomic energy authorization bill. p. 11135
8. ADJOURNED until Mon., July 10. p. 11143

SENATE - July 7

9. WHEAT. Passed without amendment S. J. Res. 116, to extend the date for holding the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1962, from July 25 to August 26, 1961. This measure had been reported earlier in the day by the Agriculture and Forestry Committee (S. Rept. 502). p. 11151
10. FARM PROGRAM. The "Daily Digest" states that the Agriculture and Forestry Committee "continued its executive consideration of S. 1643, proposed Agricultural Act of 1961, and agreed to remove soybeans from those commodities eligible for marketing orders, and further agreed that cottonseed, flaxseed, and honey would not be included among such eligible commodities." p. D538
Sen. Keating expressed opposition to the proposed farm bill and stated that he was "hopeful that the relevant committees of both the Senate and House will turn thumbs down on the omnibus farm bill." p. 11168
Sens. Dirksen and Goldwater criticized present farm policies and Sen. Goldwater stated that one cotton producer in Ariz. recently made a quarter of a million dollars, partly from payments under the soil bank for not planting cotton. p. 11169

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961

JULY 6, 1961.—Ordered to be printed

Mr. BLATNIK, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 6441]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That (a) the last sentence of section 1(a) of the Federal Water Pollution Control Act (33 U.S.C. 466(a)) is amended to read as follows: "To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the 'Secretary') shall administer this Act."

(b) Sections 2, 3, 4, 5, 6, 7, and 8(c)(3), and the first sentence of section 10(a), of such Act are each amended by striking out "Surgeon General" and "Surgeon General's" wherever they appear therein and inserting in lieu thereof "Secretary" and "Secretary's", respectively.

(c) Sections 4(a) and 7(c) of such Act are each amended by striking out "Public Health Service" and inserting in lieu thereof "Department of Health, Education, and Welfare".

(d) Sections 7(a)(2)(B) and 10(b) of such Act are each amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary".

(e) Section 10(a) of such Act is amended by striking out the second and third sentences thereof.

SEC. 2. Section 2 of the Federal Water Pollution Control Act is amended by inserting "(a)" after "SEC. 2." and by inserting at the end of such section the following:

"(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

"(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

"(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

"(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable."

SEC. 3. (a) The proviso in paragraph (4) of subsection (a) of section 4 of the Federal Water Pollution Control Act is amended to read as follows: "Provided, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph;".

(b) Section 4 of such Act is further amended by inserting at the end thereof the following new subsections:

"(d)(1) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

"(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

"(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

"(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

"(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.

"(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field

demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

“(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.”

SEC. 4. (a) Subsection (a) of section 5 of the Federal Water Pollution Control Act is amended by inserting immediately following “June 30, 1961, \$3,000,000” the following: “, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, \$5,000,000”.

(b) Subsection (f) of section 5 of the Federal Water Pollution Control Act is amended by striking out “and” at the end of paragraph (4) thereof, by striking out the period at the end of paragraph (5) thereof and inserting in lieu thereof the following: “; and”, and by adding after such paragraph (5) the following new paragraph:

“(6) sets forth the criteria used by the State in determining priority of projects as provided in section 6(b)(4).”

(c) The amendment made by subsection (a) of this section shall take effect July 1, 1961.

(d) The amendment made by subsection (b) of this section shall take effect July 1, 1962.

SEC. 5. (a) Clause (2) of subsection (b) of section 6 of the Federal Water Pollution Control Act is amended to read as follows: “(2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary, or in an amount exceeding \$600,000, whichever is the smaller: Provided, That the grantee agrees to pay the remaining cost: Provided further, That, in the case of a project which will serve more than one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined or \$2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for the purpose of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works.”

(b) Subsection (b) of such section 6 is further amended by striking out “and” at the end of clause (3) and by inserting before the period at the end of clause (4): “; and (5) no grant shall be made under this section for any project in any State in an amount exceeding \$250,000 until a grant has been made thereunder for each project in such State (A) for which an application was filed with the appropriate State water pollution control

agency prior to one year after the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to the date of enactment of this clause”.

(c) The third sentence of subsection (c) of such section 6 is amended to read as follows: “Sums allotted to a State under the preceding sentence which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: Provided, however, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section.”

(d) Subsection (d) of such section 6 is amended to read as follows:

“(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of \$50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, \$80,000,000 for the fiscal year ending June 30, 1962, \$90,000,000 for the fiscal year ending June 30, 1963, \$100,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, \$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967. Sums so appropriated shall remain available until expended: Provided, That at least 50 per centum of the funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under.”

(e) Section 6 is further amended by adding at the end thereof the following new subsection:

“(f) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a-5).”

SEC. 6. (a) The first sentence of subsection (a)(1) of section 7 of the Federal Water Pollution Control Act is amended to read as follows: “There is hereby established in the Department of Health, Education, and

Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees."

(b) The first sentence of subsection (a)(2)(A) of such section 7 is amended by inserting before the period at the end thereof: ", and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective".

(c) Members of the Water Pollution Control Advisory Board (established pursuant to section 7(a) of the Federal Water Pollution Control Act as in effect prior to enactment of this Act) serving immediately before the date of enactment of this Act shall be members of the Water Pollution Control Advisory Board, established by the amendment made by subsection (a) of this section, until the expiration of the terms of office for which they were appointed.

SEC. 7. (a) Subsection (a) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

*"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR
NAVIGABLE WATERS*

"SEC. 8. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act."

(b) Subsection (b) of such section 8 is amended by striking out "interstate waters" and inserting in lieu thereof "interstate or navigable waters".

(c) Paragraph (1) of subsection (c) of such section 8 is amended to read as follows:

"(c) (1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this

section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring."

(d) Paragraph (3)(A) of subsection (c) of such section 8 is amended by striking out "interstate" and inserting in lieu thereof "interstate or navigable".

(e) Subsections (d), (e), and (f) of such section 8 are amended to read as follows:

"(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(e) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

"(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution."

(f) Subsection (h) of such section 8 is amended to read as follows:

"(h) Members of any Hearing Board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

"(i) As used in this section the term—

"(1) 'person' includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

"(2) 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law."

SEC. 8. Section 9 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentences: "In his summary of any conference pursuant to section 8(c)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 8(e) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board."

SEC. 9. Section 11 of the Federal Water Pollution Control Act is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"(e) The term 'interstate waters' means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters."

SEC. 10. Section 301(b) of the Water Supply Act of 1958 (72 Stat. 319), is amended by striking out all beginning with "Provided," in the first proviso to the colon at the end of the second proviso and inserting in lieu thereof the following: "Provided, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may be: Provided further, That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: And provided further, That not to exceed 30 per centum of the total estimated

cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is reasonable evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project".

SEC. 11. This Act may be cited as the "Federal Water Pollution Control Act Amendments of 1961".

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

GEORGE H. FALLON,

JOHN A. BLATNIK,

FRANK SMITH,

ROBERT JONES,

JOHN F. BALDWIN,

Managers on the Part of the House.

DENNIS CHAVEZ,

ROBERT KERR,

PAT McNAMARA,

JENNINGS RANDOLPH,

FRANCIS CASE,

HUGH SCOTT,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The major differences between the House bill and the substitute agreed to in conference are noted in the following statement.

First section

The House bill amended subsection (b) of the first section of the Federal Water Pollution Control Act to strike out the specific reference to boundary waters of States and added a clause stating that nothing in the Federal Water Pollution Control Act should be construed as impairing or affecting the power authority and jurisdiction of the States to enforce State water pollution control laws and regulations.

The conference substitute does not make these amendments to existing law.

Section 2

The Senate amendment amended section 2 of the Federal Water Pollution Control Act to add a new subsection (b) which would grant authority to Federal agencies to include capacity in reservoirs for water quality control. This capacity is not to be a substitute for adequate treatment of sewage. A determination would be made of the benefits of such capacity and an appropriate share of the cost allocated to this purpose. Beneficiaries would be determined and if the benefits are widespread or national in scope, the costs of such capacity would be nonreimbursable.

The House bill did not contain such a provision.

The conference substitute adopts the amendment of the Senate.

Section 3(a)

The House bill amended section 4(a)(4) of the Federal Water Pollution Control Act to remove the limitation that not more than \$100,000 could be used to establish and maintain research fellowships.

The Senate amendment did not remove this limitation.

The conference substitute would remove this dollar limitation but would require an annual report by the Secretary to the appropriate committees of Congress on his operations under that provision of law.

Section 3(b)

The Senate amendment added a new subsection (d) to section 4 of the Federal Water Pollution Control Act. This new subsection would require the development and demonstration by the Secretary of (1) practicable means of treating sewage and other wastes to remove the maximum amounts of pollutants in order to maintain the Nation's water at a quality suitable for repeated reuse, (2) improved methods of identifying and measuring pollutants, and (3) methods for evaluating the effects of augmented streamflows to control pollution not otherwise susceptible to abatement. An authorization for these purposes of not to exceed \$5 million per fiscal year with a total limitation of \$25 million is also provided by the amendment.

The House bill contained no such provision.

The conference substitute is identical to the Senate amendment.

Section 4

The House bill increased grants to States and interstate water pollution control agencies for the operation of their programs beginning with the fiscal year 1962 from \$3 million to \$5 million and extended the authorization through June 30, 1971. It also amended the law to require that State plans must contain the criteria used by the State in determining the priority of projects.

The Senate amendment is the same as the House bill with respect to increasing the authorization from \$3 million to \$5 million except that the authorization is extended only through June 30, 1966. The Senate amendment did not require the State plan to contain the criteria used in determining priority.

The conference substitute is the same as the House bill except that the increased authorization to \$5 million is extended only through June 30, 1968, and the States are given until July 1, 1962, to conform with the requirement that their plans set forth the criteria used in determining priority of projects.

Section 5

The House bill amended subsection (b) of section 6 of the Federal Water Pollution Control Act to provide that no construction grant shall be made for any project in an amount exceeding whichever of the following is smaller (1) \$800,000, or (2) the total of 30 percent of the first \$1 million of the reasonable cost of the project as determined by the Secretary, plus 15 percent of the next \$2 million of such cost, plus 10 percent of the remainder of such cost.

The Senate bill amended the same provision of law as the House bill to provide that no grant shall be made for any project in an amount exceeding 30 percent of the estimated reasonable cost thereof, or in an amount exceeding \$500,000, whichever is smaller.

The conference substitute is the same as the Senate amendment with exception that the amount of \$500,000 is increased to \$600,000.

Section 5(b)

The House bill amended subsection (b) of section 6 of the Federal Water Pollution Control Act to provide no grant should be made for any project under that section in an amount exceeding \$250,000 until a grant had been made for each project (1) for which an application was filed with the appropriate State water pollution control agency prior to the date of enactment of amendment and (2) which

meets the requirements of the section and regulations thereunder as in effect prior to such date of enactment.

The conference substitute is the same as the House bill with the exception that the priority given by this amendment has been extended to all those smaller projects for which applications are filed before 1 year after the date of enactment of this amendment.

Section 5(c)

The House bill amends subsection (c) of section 6 of the Federal Water Pollution Control Act to provide that if an allotment to a State is not obligated within 6 months after the end of the fiscal year for which it was made because of a lack of approved projects then the Secretary can reallocate those unobligated amounts on a reasonable and equitable basis. These reallocated amounts are to be available for projects approved for grants before the end of the fiscal year following the fiscal year for which the original allotment was made.

The Senate amendment provides for the reallocation of sums allotted to a State not obligated at the end of the fiscal year following the fiscal year for which they were allotted because of a lack of approved projects. The reallocation shall be to those States having approved projects for which grants have not been made because of a lack of funds, with the exception that whenever the Surgeon General finds that the need for a project in a community in the State is due in part to a Federal institution or Federal construction activity, he may, before making any reallocation, make an additional allocation to the project which will reflect an equitable contribution for the need caused by the Federal institution or activity.

The conference substitute is essentially the same as the Senate amendment with the exception that the States are given 18 months to obligate their allotment as provided in the House bill, rather than 24 months as provided in the Senate amendment. In addition, the conference substitute makes it clear that an additional grant may be made to a project in a State by the Secretary because of a Federal institution or activity in that State only from funds allotted to that State which are subject to reallocation because of a lack of approved projects in that State.

Section 5(d)

The House bill amended subsection (d) of section 6 of the Federal Water Pollution Control Act to increase the amount authorized for grants under that section from \$50 to \$100 million per fiscal year. The aggregate authorization of such sums is also increased from 500 million to 1 billion.

The Senate amendment amended the subsection to provide an authorization of \$70 million for the fiscal year 1962, \$80 million for the fiscal year 1963, \$90 million for the fiscal year 1964, \$100 million for the fiscal year 1965, and \$100 million for the fiscal year 1966. In addition the Senate amendment repealed the restriction in existing law that at least 50 percent of funds appropriated must be granted for treatment works servicing municipalities of 125,000 population or less.

The conference substitute provides authorization of \$80 million for the fiscal year 1962, \$90 million for the fiscal year 1963, and \$100 million for each of the fiscal years 1964 through and including 1967. In addition the conference substitute retains the restriction requiring

the use of at least half of the funds appropriated for projects in cities of 125,000 population or less which was repealed by the Senate amendment.

Section 6(c)

The House bill amends section 7(a) of the Federal Water Pollution Control Act to establish in the Department of Health, Education, and Welfare a Water Pollution Control Advisory Board composed of the Secretary or his designee, as Chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees.

The conference substitute is the same as the House bill except that it is made clear that the members of the existing Advisory Board shall be members of the newly created Board until the expiration of the terms of office to which they were appointed.

Section 7 (a), (b), and (d)

The House bill provided that pollution of navigable waters would be subject to abatement under the act.

The Senate amendment provided that interstate or navigable waters shall be subject to abatement under the act.

The conference substitute is the same as the Senate amendment.

Section 7(c)

The House bill provides that a conference initiating Federal enforcement procedures, must be called on the request of (1) the Governor, (2) the State water pollution control agency, or (3) with the concurrence of the State water pollution control agency, the governing body of any municipality, whenever the pollution endangers the health or welfare of persons in a State other than that in which the discharge originates (hereafter referred to as "interstate pollution"). The Secretary on his own initiative may call such a conference when he has reason to believe that such interstate pollution is occurring. Such a conference must be called whenever requested by the Governor, the State water pollution control agency, or, with the concurrence of such agency, the governing body of any municipality when pollution is endangering the health or welfare of persons only in the State requesting the conference (hereafter referred to as "intrastate pollution"), unless the Secretary determines that the effect of the pollution is not significant enough to warrant the exercise of Federal jurisdiction.

The Senate amendment differs from the House bill in that a conference could be called because of interstate pollution on request of the Governor of the State or the State water pollution control agency and could be called because of intrastate pollution only upon the request of the Governor of a State.

The conference substitute provides that a conference could be called in the case of interstate pollution upon the request of the Governor, the State water pollution control agency, or, with the concurrence of both the Governor and the State agency, the governing body of any municipality. The Secretary may call such a conference on his own initiative in the case of interstate pollution. The conference substitute provides in the case of intrastate pollution that a conference may be called only when requested by the Governor of the State where the pollution is occurring. In cases involving intrastate pollution the Secretary may refuse to exercise Federal jurisdiction if

in his judgment the pollution is not of sufficient significance to warrant so doing.

Section 7(e)

The House bill amends subsection (e) of section 8 of the Federal Water Pollution Control Act to provide that the board which under present law conducts the public hearing to make findings whether pollution is occurring and whether effective progress toward abatement is being made shall be formally known as a hearing board. The House bill further amends section 8(e) of existing law to provide that findings and recommendations of the hearing board shall be those of the Secretary except to the extent the Secretary believes other findings or recommendations are warranted. The House bill also authorizes the Secretary to make an order requiring the abatement of pollution, which order shall become final 60 days after its issuance unless an appeal is taken.

The Senate amendment made no changes in the existing law.

The only change in existing law which the conference substitute would make would be to formally designate the board holding the public hearing as a hearing board.

Section 7(e)

The House bill amends subsection (f) of section 8 of the Federal Water Pollution Control Act to provide a detailed method for appealing an order of the Secretary issued under subsection (e) of section 8 as proposed to be amended by the House bill.

The Senate amendment made no change in existing law.

The conference substitute provides that if pollution is not abated within the time specified in the notice following the public hearing the Secretary of Health, Education, and Welfare may request the Attorney General to bring a suit on behalf of the United States to secure abatement in the case of interstate pollution; however, in the case of intrastate pollution he may request the institution of such a suit in the name of the United States only with the written consent of the Governor of the State.

Section 7(e)

The House bill amends subsections (g) and (h) of section 8 of the Federal Water Pollution Control Act to provide for the jurisdiction of the court with respect to orders issued by the Secretary under subsection (e) of such section 8 as proposed to be amended by the House bill.

The Senate amendment made no changes in the existing law.

The conference substitute makes no changes in the existing law in this respect since the conference substitute does not provide authority for the Secretary to issue orders as was the case in the House bill.

Section 10

The Senate amendment amends the Water Supply Act of 1958. The House bill contained no such amendment. The present Water Supply Act of 1958 provides authority for the Corps of Engineers and the Bureau of Reclamation to include municipal and industrial water supply capacity in reservoirs under their jurisdiction. The present law provides that not to exceed 30 percent of the total cost of any project may be allocated to anticipated future demands if

State or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the cost allocated to water supply within the life of the project. The Senate amendment will permit the Federal agency concerned to make its own determination of future water supply needs and, on the basis of such determination, to include capacity in a project without definite contractual commitments from State or local interests.

The conference substitute adopts the provisions of the Senate amendment.

Title

The Senate amended the title of the bill to more nearly reflect the amendments made by the Senate.

The conference substitute adopts the title of the bill proposed by the Senate.

GEORGE H. FALLON,

JOHN A. BLATNIK,

FRANK SMITH,

ROBERT JONES,

JOHN F. BALDWIN,

Managers on the Part of the House.



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF
BUDGET AND FINANCE
(For information only;
should not be quoted
or cited)

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For actions of July 13, 1961
87th-1st, No. 117

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HIGHLIGHTS: House passed bill to continue authority for emergency livestock loans. House received President's proposed water resources bill. Senate committee voted to report bill to establish wilderness preservation system.

HOUSE

- 1. LOANS.** Passed without amendment S. 1710, to continue the authority of the Secretary of Agriculture to make emergency livestock loans until December 31, 1961, and to continue the authority to make supplemental advances to borrowers under the program until Dec. 31, 1961. This bill will now be sent to the President. p. 11605
- 2. PEANUTS.** The Agriculture Committee reported with amendments H. R. 1021, to extend the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938 so as to continue the exclusion from acreage allotments and marketing quotas any peanuts produced and marketed for consumption as boiled peanuts (H. Rept. 718). p. 11632
- 3. WATER RESOURCES.** Received from the President a proposed bill "to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a Water Resources Council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning"; to Interior and Insular Affairs Committee. p. 11632

4. TARIFFS. Agreed to the Senate amendment on H. R. 4591, to continue the suspension of duties on metal scrap. The amendment provides for the suspension of duties on imported horsemeat. This bill will now be sent to the President. pp. 11605-6
5. WATER POLLUTION. Agreed to the conference report on H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. pp. 11583-605
6. APPROPRIATIONS. Passed with amendment H. R. 7576, authorizing appropriations for the Atomic Energy Commission for 1962. This bill includes authorizations for reactor development, biology and medicine, and the cooperative power reactor demonstration program. pp. 11554-83
7. FARM LABOR. The Education and Labor Committee voted to report with amendment (but did not actually report) H. R. 7812, to provide for the registration of contractors of migrant agricultural workers. p. D565
8. COMMERCE; TRANSPORTATION. The Interstate and Foreign Commerce Committee voted to report with amendments (but did not actually report) H. R. 2429, to prohibit damage to, or destruction of, any shipment of freight or express moving in interstate or foreign commerce. p. D566
9. PUBLIC LANDS. The Subcommittee on Public Lands of the Interior and Insular Affairs Committee voted to report to the full committee H. R. 2925, to amend the act of March 8, 1922, to permit the sale of certain isolated tracts of public lands in Alaska. p.D566
10. FOREIGN TRADE. Rep. Pelly discussed U. S. foreign policy, saying "Are we so naive as to believe that agricultural commodities are not strategic materials?" pp. 11606-7
11. FARM POLICY. Rep. Battin inserted the 1961 platform of the Young Republican Convention, which includes a plank on agriculture. pp. 11612-4
12. MONEY AND CREDIT. Rep. Multer inserted an article, "History of Development of Study of Money and Credit Outlined," which includes a statement on agricultural programs. pp. 11615-31
13. LEGISLATIVE PROGRAM. Rep. McCormack announced the following legislative program for the week of July 17: Mon., the following bills will be considered under motions to suspend the rules, H. R. 7043, to extend to employees subject to the Classification Act of 1949 the benefits of salary increases in connection with the protection of basic compensation rates from the effects of downgrading actions, H. J. Res. 435, to provide for recognition of the centennial of the establishment of the Department of Agriculture, H. J. Res. 436, to provide for the recognition of the centennial of the establishment of the national system of land-grant universities and colleges, H. R. 2555, to provide for allotment and advancement of pay with respect to civilian employees of the U. S. in cases of emergency evacuations in oversea areas; also the Consent Calendar will be called; Tues., the Private Calendar will be called. p. 11587
14. ADJOURNED until Mon., July 17. p. 11632

bines and grid system by American laborers.

Mr. Chairman, since that time a bid has been considered—because it is the low one—from a Swedish firm in the Beaver, Ark.—White River—Dam. We are begging the question, ladies and gentlemen. The gentleman's situation in New York will not be helped even if we do spend the \$95 million for the public-power boondoggle at the Hanford engineering works in Washington. The trouble is, we have "killed the goose that lays the golden egg," between the fallacious foreign policy, wherein the State Department and its quotas or tender tariffs imposed in the interest of wooing foreign favor on the one hand; and high and spiraling, and unrealistic labor costs—as compared with oversea labor costs—on the other.

I fear the Syracuse workers will not have additional employment under such administration policies.

Mr. FINDLEY. Mr. Chairman, is the generation of power a proper activity of the Federal Government? That is the basic question in the proposed amendment.

National defense is involved only by the most remote line of argument. I believe it is against the public interest that Federal Government gain this substantial new toehold in power generation. This Nation has achieved most of its progress through private enterprise. When we supplant private ownership with public ownership, we actually endanger the public interest. Government cannot effectively be its own watchdog.

Mr. HOLIFIELD. Mr. Chairman, I believe this bill has been thoroughly debated. I want to compliment all who have participated on their good humor, on the seriousness of their arguments with regard to this matter. I doubt if there is anything I can say that would not be repetitious. Therefore, I am going to yield to the gentleman from Texas [Mr. THOMAS] at this time.

Mr. THOMAS. Mr. Chairman, may I talk with you about a subject that I have been interested in since the Manhattan days. The House has displayed good temper. The Members have heard some conscientious arguments on both sides of this question. I do not want to get mixed up in the technicalities of it. I do not want to engage in any debate on the power question, as we call it. I want to talk to you about this project on its individual merits.

It is very seldom that I disagree with my genial and able friend from Pennsylvania. I see quite a bit of him every day in places other than on this floor.

Mr. Chairman, I want to talk about the dollars and cents in this proposition. Read your report. I am not the expert, my able chairman is not the expert, my lovable friend from Pennsylvania is not the expert on power. You have a regular agency of your Government, the Federal Power Commission, who is our governmental expert. The Federal Power Commission says, "This is a good, sound proposition, and we recognize it." This is a byproduct. If there has been any mistake made—and I am not saying that there has been a mistake, either—it was

when you built the big plant itself. That is, if you say it was a mistake, and I do not think so. It is in existence. Here it is. You are going to recover \$7 million a year from your investment.

Let us say the investment is not \$95 million, but \$100 million, and let us do a little mental arithmetic. This return is \$7 million a year. They say it will increase. This project will amortize itself a whole lot sooner than many other projects that you and I and all the rest of us have voted for many, many times. Are we going to throw away this \$7 million a year just because it is power? We cannot be that foolish, if I may use that word, can we?

Look what the Census Bureau says, and in my judgment that is a great agency in the Department of Commerce. They say, and they are usually right, that barring a world upheaval this country in another 32 or 33 years will have not the 175 million people we have today but what? Think about it 350 million people. What is that great Northwest country going to do for power? This will not be a drop in the bucket, will it?

Sometimes we say that it is a bad proposition, it is not technically correct, that this will produce 800,000 kilowatts a year which are not needed. But think about it. It will not be built inside of 4 or 5 years. This is a sound project. I am talking about the dollars and cents involved. Who on this floor will go back to his people next week and say, "I threw away an opportunity to recover for years and years \$7 million on a \$100 million investment."

This amendment should be voted down, and I respectfully submit it to the House on that basis.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. VAN ZANDT].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. VAN ZANDT. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. VAN ZANDT and Mr. HOLIFIELD.

The Committee divided, and the tellers reported that there were—ayes 176, noes 140.

So the amendment was agreed to.

The CHAIRMAN. Under the rule, there being no further amendments, the Committee will rise.

Accordingly, the Committee rose and the Speaker pro tempore [Mr. ALBERT], having assumed the Chair, Mr. SISK, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 7576) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, pursuant to House Resolution 362, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule the previous question is ordered. The question is on the amendment. The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT

Mr. BLATNIK. Mr. Speaker, I call up the conference report of the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of July 6, 1961.)

Mr. BLATNIK (interrupting reading of the conference report). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Minnesota?

Mr. GROSS. Mr. Speaker, reserving the right to object, I trust the gentleman will take ample time to explain the conference report.

Mr. BLATNIK. We will take all the time that is necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BLATNIK. Mr. Speaker, I yield myself such time as I may use.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Speaker, the conference report which is before the House on H.R. 6441, amending the Federal Water Pollution Control Act, is in essence the bill which overwhelmingly passed the House several weeks ago by a vote of 307 to 110. As a result of the conference there were certain modifications in the bill as passed the House which I will now attempt to explain to you.

The conferees agreed to a number of major changes in the bill as it passed the House. In addition, certain provisions agreed to in the other body and not included in the House bill were accepted in conference. For instance, the bill now contains a provision on water quality control which provides that the Corps of Engineers, Bureau of Reclamation, or other Federal agency shall give consideration in the survey or planning of any reservoir to inclusion of storage for streamflow regulation for water quality control purposes, except that such storage and releases shall not be provided as a substitute for adequate treatment or

other waste-controlling methods at the source.

Also the bill contains an amendment to the Water Supply Act of 1958 which was not included in the original House version. The present Water Supply Act of 1958 provides authority for the Corps of Engineers and the Bureau of Reclamation to include municipal and industrial water supply capacity in reservoirs under their jurisdiction. The present law provides that not to exceed 30 percent of the total cost of any project may be allocated to anticipated future demands if State or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the cost allocated to water supply within the life of the project. The conference report will permit the Federal agency concerned to make its own determination of future water supply needs and, on the basis of such determination, to include capacity in a project without definite contractual commitments from State or local interests.

In addition, the research provisions of the House bill were substantially strengthened by the addition of a new subsection which would require the development and demonstration by the Secretary of, first, practicable means of treating sewage and other wastes to remove the maximum amounts of pollutants in order to maintain the Nation's water at a quality suitable for repeated reuse; second, improved methods of identifying and measuring pollution; and, third, methods for evaluating the effects of augmented streamflows to control pollution not otherwise susceptible to abatement. An authorization for these purposes of not to exceed \$5 million per fiscal year with a total limitation of \$25 million is also provided by the amendment.

These were three additions to the bill accepted by your conferees.

In addition to these new provisions, your conferees agreed to certain modifications in the House-passed bill, most important of which were reductions in grants for sewage treatment plant construction and changes in Federal enforcement procedures. With regard to construction grants, the conference substitute provides authorization of \$80 million for the fiscal year 1962, \$90 million for the fiscal year 1963, and \$100 million for each of the fiscal years 1964 through and including 1967. This total authorization of \$570 million represents a decrease of \$198 million from the House-passed bill and an increase of \$130 million in the amount originally approved by the Senate. Also, the conference bill increases the maximum grant allowable from \$250,000 to \$600,000, which is \$200,000 less than originally approved by the House and \$100,000 more than the Senate version.

With regard to enforcement, the House bill provided that a conference initiating Federal enforcement procedures, must be called on the request of: First, the Governor; second, the State water pollution control agency; or third, with the concurrence of the State water pol-

lution control agency, the governing body of any municipality, whenever the pollution endangers the health or welfare of persons in a State other than that in which the discharge originates. The Secretary on his own initiative may call such a conference when he has reason to believe that such interstate pollution is occurring. Such a conference must be called whenever requested by the Governor, the State water pollution control agency, or, with the concurrence of such agency, the governing body of any municipality when pollution is endangering the health or welfare of persons only in the State requesting the conference, unless the Secretary determines that the effect of the pollution is not significant enough to warrant the exercise of Federal jurisdiction.

The Senate amendment differed from the House bill in that a conference could be called because of interstate pollution on request of the Governor of the State or the State water pollution control agency and could be called because of intrastate pollution only upon the request of the Governor of a State.

The conference substitute provides that a conference could be called in the case of interstate pollution upon the request of the Governor, the State water pollution control agency, or, with the concurrence of both the Governor and the State agency, the governing body of any municipality. The Secretary may call such a conference on his own initiative in the case of interstate pollution. The conference substitute provides in the case of intrastate pollution that a conference may be called only when requested by the Governor of the State where the pollution is occurring. In cases involving intrastate pollution the Secretary may refuse to exercise Federal jurisdiction if in his judgment the pollution is not of sufficient significance to warrant so doing.

The House bill amended subsection (e) of section 8 of the Federal Water Pollution Control Act to provide that the board which under present law conducts the public hearing to make findings whether pollution is occurring and whether effective progress toward abatement is being made shall be formally known as a hearing board. The House bill further amended section 8(e) of existing law to provide that findings and recommendations of the hearing board shall be those of the Secretary except to the extent the Secretary believes other findings or recommendations are warranted. The House bill also authorized the Secretary to make an order requiring the abatement of pollution, which order shall become final 60 days after its issuance unless an appeal is taken.

The Senate amendment made no changes in the existing law.

The only change in existing law which the conference substitute made would be to formally designate the board holding the public hearing as a hearing board.

The House bill amended subsection (f) of section 8 of the Federal Water Pollution Control Act to provide a detailed method for appealing an order of the Secretary issued under subsection (e) of section 8 as proposed to be amended by the House bill.

The Senate amendment made no change in existing law.

The conference substitute provides that if pollution is not abated within the time specified in the notice following the public hearing the Secretary of Health, Education, and Welfare may request the Attorney General to bring a suit on behalf of the United States to secure abatement in the case of interstate pollution; however, in the case of intrastate pollution he may request the institution of such a suit in the name of the United States only with the written consent of the Governor of the State.

Mr. Speaker, the bill before the House represents a half century of effort on the part of many dedicated people, mayors and municipal officials, State health and sanitation officials, conservationists, women's organizations and other civic groups and Members of this House to bring about enactment of an effective Federal Water Pollution Control program. Passage of this bill today will give the Federal Government working in a joint effort with State and local authorities the necessary tools to prevent the wasteful blight of polluted waters. I urge its adoption.

At this point, Mr. Speaker, I yield such time as the gentleman from Alabama [Mr. JONES] may require to explain briefly these two features of the conference report with which he is most intimately and thoroughly familiar.

Mr. JONES of Alabama. Mr. Speaker, I appreciate the opportunity afforded me by the chairman in yielding to me. However, Mr. Speaker, this matter has been completely discussed previously in this forum. As far as I know there has been no objection to these two sections dealing with water quality control and the Water Supply Act of 1958 from either side of the aisle. As the chairman has explained, these amendments merely clarify the Water Supply Act of 1958, which was part of the Flood Control Act of that year and bring into law water quality control. I believe these amendments are very important and very useful sections of this bill. They will aid tremendously in the development of reservoirs to be constructed by the Department of the Interior and the Corps of Engineers and other agencies charged with the responsibility of our national water resources program.

Mr. GROSS. Mr. Speaker, will the chairman yield to me for a question?

Mr. BLATNIK. I would be glad to yield to the gentleman.

Mr. GROSS. I inquire of the gentleman what the money figure in this bill now is. What it was and what it now is. What was it when it left the House?

Mr. BLATNIK. The per project limitation raised the existing \$250,000 per project in the present law up to \$800,000. The Senate figure was \$500,000, and we settled on \$600,000. Our sliding scale was struck out. The conference report sets a figure of \$600,000, or 30 percent of the project cost whichever is the lesser. We made this additional allowance in order to accommodate the smaller communities to the effect that all applications now pending up to a \$250,000 limit, and all further applications yet to be filed for a year from the date of the en-

actment of this law on the same figure, should it become law, shall have priority. They must be disposed of first and have first claim on sewage grant funds before any of the larger projects are awarded.

Mr. GROSS. Do I understand that the amount involved in this bill is now down to something like \$570 million; is that correct?

Mr. BLATNIK. Yes. The House bill had a total figure of \$768 million and the Senate figure was \$440,000. We came down to \$570 million over a 7-year fiscal period.

Mr. GROSS. If the gentleman will yield further and bear with me, because I do not like to ask him to be repetitious, but on the intrastate control will the gentleman explain that again, although I do not wish for him to go over all of his remarks?

Mr. BLATNIK. On the intrastate matter—exclusively intrastate dealing with Federal enforcement action—the bill requires that the Secretary to call a conference on intrastate pollution only when requested by the Governor of the State involved and that request refers exclusively to intrastate pollution on intrastate navigable waters. The Governor must ask for the Secretary to come in before he can act.

Mr. GROSS. I thank the gentleman.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I will be pleased to yield to the distinguished gentleman from Michigan.

Mr. DINGELL. The House bill as originally passed had language at the bottom of page 1 which read as follows:

To this end the Secretary of the Department of Health, Education, and Welfare, hereinafter in this Act called the "Secretary," shall administer this act.

It was my understanding that the purpose of that language was to remove from the Surgeon General at least temporarily the water pollution control enforcement activities and to vest them directly in the Secretary.

Is that language in the conference report, and is it in the language adopted by the conferees?

Mr. BLATNIK. Yes, the language is in the conference report, and it was adopted by the conferees. They did upgrade the Department and took it out of the basement where it has been for many years and put it up directly under the Secretary of the Department of Health, Education, and Welfare.

Mr. DINGELL. I want to thank the gentleman, and I want to commend the conferees for retaining this section. As one of the coauthors and cosponsors of this particular measure, I have been very much distressed by the fact that the bureaucrats within the U.S. Public Health Service have consistently and continually stifled this program and have deliberately and callously and calculatedly hamstrung the efforts of the people who have been seeking to do the work to clear up this pollution. I am speaking as one of the coauthors and cosponsors of this legislation. I will look with favor on any move which will upgrade this Department, as has been put in the conference report.

Mr. BLATNIK. The gentleman has every right in the world to speak as he does, and I would like to have the RECORD show that during the hearings before our full committee it was the gentleman from Michigan's testimony that was most pertinent and very convincing on the need for such upgrading. It was action that the House committee took and which the House passed, and which was sustained at our request in conference by the Senate.

Mr. DINGELL. I certainly want to commend the gentleman, and state that if this recommendation of Congress is not taken by the Secretary and the bureaucrats concerned I shall regard it as a personal affront, and I hope this body will so regard it also.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield.

Mr. O'HARA of Michigan. I should like to bring to the gentleman's attention the new subparagraph (f) added to section 3 of the act which authorizes a study with respect to the quality of the water of the Great Lakes and an evaluation of the municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems with respect to such waters. May I inquire of the gentleman if it is his understanding that increased diversion of the Great Lakes water would be permitted for such a study in terms similar to those provided in the O'Brien bill of the last Congress?

Mr. BLATNIK. This would not permit increased diversion, but it recognizes the pollution problem in the Great Lakes area where in recent years because of increased population and industrial growth in the Great Lakes area plus the influx of the liners from the high seas has seen a growth of pollution in this region. We need more study. That is the purpose of this paragraph. It would be a study of the nature, cause, and possible cure for the situation that exists on the Great Lakes.

Mr. O'HARA of Michigan. I wish to commend the gentleman from Minnesota for his interest in this problem. I represent a district which borders on the Great Lakes. I agree with the gentleman's analysis of the very serious problem we are facing in that region. I commend him for his advocacy of this kind of provision. I also wanted to make the record clear that it did not include the type of diversion of which I spoke.

Mr. BLATNIK. That is correct.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. I take this opportunity to speak out of order to thank all Members of Congress that have participated in the congressional baseball game to be held at Griffith Stadium on the 18th. We are sold out. I am told today there have been 28,000 tickets sold, thanks to all of you gentlemen.

I appreciate the gentleman's giving me this opportunity to make this statement.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Iowa.

Mr. KYL. Merely seeking information, certainly with no criticism of anyone or any legislation of this kind, may I say there are several departments and agencies of Government which are involved in trying to clear up questions of water pollution and the desalinization of salt water and brackish water, and so on. Is there any one group anywhere in the Government which is attempting to coordinate the efforts of these various agencies of the Government?

Mr. BLATNIK. On the matter of water pollution abatement and control there is one agency, which is in the Surgeon General's Office, now under the Secretary of Health, Education, and Welfare. We are trying to broaden the scope of their operation and place the program on a higher level. As to desalinization, that is a new field of scientific and technological exploration, to try to find methods by which salt or brackish water can be made into sweet water. Pollution abatement, by reducing pollutants and affording pollution control, permits the reuse of existing water many times.

Mr. KYL. It is my understanding that this provides for such research?

Mr. BLATNIK. Yes.

Mr. KYL. Insofar as that research is concerned, it is obvious that you would be dealing with many similar problems. I was simply inquiring to find if there is coordination in this kind of research that is going on in all the related fields. Certainly there is a relation.

Mr. BLATNIK. I am confident there will be coordination between the desalination program and pollution abatement program, and any further advances with respect to these new chemicals and new dilutents which are used in streams and rivers which will help solve this problem.

Mr. KYL. I hope the gentleman is correct.

Mr. BLATNIK. Mr. Speaker, I yield 10 minutes to the gentleman from Florida [Mr. CRAMER].

(Mr. CRAMER asked and was given permission to revise and extend his remarks.)

Mr. CRAMER. Mr. Speaker, I thank the gentleman for yielding me this time and my remarks will be brief.

Let me explain three or four aspects of this legislation to put it possibly in a better focus.

First, I am very much in favor of adequate water pollution control throughout the country. So the question is: How are you going to get it? In my opinion, the only way we are ever going to get water pollution control in America is not by appropriating billions of dollars in Washington and not by taking over the jurisdiction of the States and not by sopping up existing State jurisdiction over intrastate streams and, thus, causing the States to withdraw from the program, but rather the way to solve it is to encourage the States to come into it. Does this bill fit that pattern? Does this conference report fit into that pattern? The bill initially passed by the House, as I stated to the

Members, did not, in my opinion, accomplish it. This conference report is little if any better, and in some respects it is worse. It does not accomplish it either. What does it do? In the first place, to continue this program going, you do not need this legislation. You already have \$50 million a year authorized for the next 5 years. You have an existing program of \$500 million. In addition to that, you have a program of over \$100 million under the Area Redevelopment Act which we passed earlier in this session of the Congress which under certain conditions might be allocated to the construction of disposal treatment plants. That is what we are talking about in this authorization. That is the only thing we are talking about in this authorization—how much money should the Federal Government put into sewage disposal treatment plants on a grant-matching basis—the Federal Government with the local community? I tried to get the committee to bring the States into the picture so that it would be a State-Federal-local relationship. But, no, the Federal Government wants to deal directly and solely with the municipalities so far as the State allocation of funds is concerned. So we have an existing program.

The existing program has been working well. It has caused the States to do what? It has caused the States to accelerate their own programs. What is this program going to do by adding \$50 million a year more and taking away the State jurisdiction and giving the Federal Government in the enforcement provisions jurisdiction over every stream in America that can float a log. Let me repeat that—this bill gives from an enforcement standpoint jurisdiction to the Federal Government for the first time for water-pollution abatement purposes jurisdiction over every stream in America that can float a log. That is the best definition you can give for a navigable stream. So, instead, of the present circumstances and the present law, where the Federal Government has jurisdiction only when a State crosses the State boundaries and, therefore, it is an interstate stream, and where the pollution is interstate, which is a sound approach, the Federal Government now wants to come in under this legislation and the proponents want the Federal Government to come in and take over the State jurisdiction of any of these intrastate streams for pollution purposes. If they do it for pollution purposes, what is going to be the next purpose of the Federal Government taking over jurisdiction? So the effect of it will be that it will dry up the States' responsibility. It will dry up the incentive on the part of the States to do something about this problem. So this bill, this proposal, this conference report, does not meet the fundamental test of solving this problem on a partnership basis. It concentrates more power in Washington and it gives the Federal authority more jurisdiction, but it does not encourage the States to try to continue with the job they have been doing and which they have been accel-

erating under the 1956 act, which is presently in existence. So the Federal-State relationships are being affected very substantially by this legislation.

This conference report does not stress fiscal responsibility at all. Already that has been shown. So there are fundamentals involved in this legislation: Federal-State relationships, proper budget authorization, the question of fiscal responsibility. The Members of this House will have occasion to vote for fiscal responsibility. The States should

be encouraged to pay for their share of the problem.

Why should fiscal responsibility be stressed? Let us review briefly what the House has already done with regard to spending money just in this session of Congress: Appropriations now approved or pending in the House amount to \$85 billion, substantially in excess of President Eisenhower's proposal.

The cost of enacted and proposed major programs in the House of Representatives is estimated as follows:

Bill or program	Description	Estimate for fiscal year 1962	5-year potential assuming current plans
		Billions \$2.3	Billions \$9.05
*Housing	\$8,800,000,000 back door	.394	1.5
*Depressed areas	\$300,000,000 back door	.125	1.525
*Keough bill	In loss of revenue	.050	.250
*Water pollution	Increase over previous	.150	.750
*Federal highway	Deviation from general fund	2.0	2.0
*Public Law 480 extension	Required dollar amounts to reimburse CCC	.698	.698
*Feed grains bill	\$339,800,000 in advance certifications to be matched after planting season, plus \$18,000,000 in USDA funds through appropriation bill.	.990	.990
*Unemployment extension		.280	.350
*Aid dependent children	\$350,000,000 over 15-month period	.105	.105
*School lunch program	\$105,000,000 in CCC funds—back door	.240	1.2
*Direct loan veterans program	\$1,200,000,000 back door over 5-year period	4.8	26.8
Foreign aid		.833	4.1
General education	\$2,500,000,000, 3 years	.360	1.25
Higher education	\$1,250,000,000, 5 years	.125	.625
National Defense Education Act	\$375,000,000 over 3 years in loans to private schools	.310	1.55
Impacted areas		.100	.800
Civil defense	\$100,000,000 1st year, much more later	.100	2.5
Job retraining	\$100,000,000 1st year, \$600,000,000 thereafter	.375	1.875
Airport aid	\$375,000,000, back door	10	50
Agricultural proposals			
Total		24.335	107.918

*Indicates bill has already passed the House.

Thus Congress is grappling with proposals which would cost over \$24 billion in fiscal year 1962 and at least \$107 billion in the next 5 fiscal years if enacted. This is a modest estimate, since funds counted as back-door spending could be spent more rapidly and new authority enacted to take its place. Also, future appropriations will not diminish if this year is an example of future policies.

Appropriations now passed and pending in the House total some \$85 billion. Thus, counting present appropriations, future authorizations and back-door spending, Congress is already being forced to deal with budgets stretching far in excess of \$100 billion annually.

The House has already enacted new programs calling for new spending in the amount of \$7,332 million, including \$50 million for water pollution or sewage disposal plant construction grants.

Is not that reason to be skeptical when you have before you a conference report in which they are asking \$30 million more than provided by existing law for fiscal 1962, \$40 million more for 1963, and \$50 million a year more for 3 years commencing with fiscal year 1964, and an additional \$100 million for fiscal year 1967.

So there are the basic considerations involved. The conference report did not cure the fundamental objections which I have previously pointed out and which I repeat at this time. We are encroaching on the States in the enforcement section. There is no question about it.

If you have an interstate stream pollution problem the States are never necessarily brought into the picture. Under present law it is required that they agree and consent to a court action to carry out the finding of the Board. Under this proposal as to interstate streams the States need never be consulted before the Federal Government goes in and gets an order carrying out what the Federal Government alone and exclusively has decided that the States should do. I say that is a major injection of the Federal Government into State and local functions. The Congress 5 years ago specifically stated in existing law that any time an enforcement action should be brought into court for determination that the States have to consent to it. That provision has been eliminated with regard to interstate streams. We tried to put it back in conference and we failed.

So for these fundamental reasons I say this legislation is equally as objectionable as it was at the outset.

Mrs. ST. GEORGE. Mr. Speaker, will the gentleman yield for a question?

Mr. CRAMER. I yield to the gentleman from New York.

Mrs. ST. GEORGE. I am informed that in the Senate bill there is a statement which does not occur in the House bill and occurs only in extremely veiled terms in the conference report. The statement is "that when need for pollution control in a community is due to Federal activity an additional allocation

may be made to meet an equitable portion of such need."

I ask this question because some of us have Federal installations in our districts and in some cases they have posed quite a problem.

Mr. CRAMER. The distinguished gentlewoman has brought up a question which was considered by the conferees. The conference version provides relief for Federal institution impact similar to the bill passed by the Senate, but decreases the time before unobligated funds can be reallocated for this purpose. It decreases the time in which they will be available for obligation by a State, and not turned back to the Treasury for reallocation in other States, from 2 years to 18 months, and then permits the Secretary prior to such reallocation to make an additional grant from such funds with respect to projects in that same State where the need for such projects is due in part to Federal institutions or construction activity.

Mr. BLATNIK. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Speaker, I rise in support of this conference report. The assignment of conferees representing the House in a bill of this kind is for the purpose of taking the matter up with the conferees in the other body and to see if within the limitations or borders of the two bills passed by the respective bodies a better bill can be brought out.

In my opinion, the bill that is now before the House is tightened up, it is a better bill than the one originally passed some weeks ago. I must respectfully disagree with my colleague from Florida who has done a very able job in this committee as to his contention that there is a larger authorization in this bill than in the original bill. I do not believe the conference report bears that out.

The law as it exists today and prior to the passage of this bill provides an authorization of \$50 million per year, with a maximum of \$500 million. The bill that passed the House increased that authorization to \$100 million per year, with a maximum of \$1 billion, again no limitation on the number of years. It was not actually limited to 10 years. So the additional authorization passed by the House over the amount appropriated to date amounts to \$768 million because \$232 million has been appropriated to date.

The Senate passed a bill that authorized \$440 million. So, there were the two boundaries: the \$768 million by the House and the \$440 million by the Senate. The conference report that is now before you is a compromise between those two figures in the sum of \$570 million authorized over the next 6 years and a carryover from the 5 years past of \$18 million, making a total maximum of \$588 million.

Now, this bill passed the House originally by a vote of 308 to 110. Anyone who at that time voted for the bill can be sure that this bill offers lower authorized expenditures than you voted for at that time. Actually, it likewise reduces the maximum application for any

one project from a maximum of \$800,000 to \$600,000, and therefore you will be able to have this allocated to more individual applicants in your area than was true in the bill as it passed the House originally.

As to enforcement, I think this bill is a better bill from the standpoint of enforcement than the original bill, because we gave the Secretary power that I did not think was proper to give to him, and that was the power to issue an order, power for him to amend any decision of a hearing board and then to issue an order without any right of appeal in the meantime and then have him issue an order to enforce whatever determination was made. This is a very broad allocation of power, and that power to issue such an order was taken out of this conference report and reverted back basically to the original law which requires that he issue a notice and then, if there is no compliance, he has the right to ask the Attorney General to bring a case into court for enforcement, and therefore it better protects any person's right he has under court procedure. I think anyone who voted for this bill originally, a month ago, can safely vote for it now again, and those who are interested in the amount of allocation, which is actually lower than the original bill, and who voted against the bill originally, might find it possible to vote for the conference report today.

Mr. BLATNIK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. HALLECK].

PROGRAM FOR THE BALANCE OF THE WEEK AND NEXT WEEK

Mr. HALLECK. Mr. Speaker, I take this time to inquire of the majority leader as to the program for the balance of the week and next week.

Mr. McCORMACK. There is no further program for the balance of the week after the disposition of this pending conference report on which the conferees have done an excellent job. It is a very excellent bill.

The chairman of the Committee on Ways and Means just indicated that he is going to ask unanimous consent to call up a bill a little later on to concur in the Senate amendments and a bill extending the time to December of this year, I think it is, of the feed grain bill relating to agriculture, a law that expires tomorrow, and unanimous consent will be asked for.

Mr. HALLECK. Will the gentleman permit me to make one observation at this time?

Mr. McCORMACK. Yes.

Mr. HALLECK. I know that was included in what is known as the omnibus farm bill when we had the same sort of situation existing with the extension of the school milk program. Now, I have agreed to let this one be called, but I just want to serve notice that I am a little resentful of this practice that has grown up and is becoming too prevalent of putting measures that would be difficult to vote against in some big controversial measure, and then when you cannot get the controversial measure out wanting us to agree because it presents an emer-

gency to enact legislation which has expired. As I say, I have agreed to this, and I have talked to the gentleman from Iowa [Mr. HOEVEN], about it, and we have agreed to let this measure go through, but I must say that hereafter under certain circumstances like that I might not find it possible to go along with the request.

Mr. McCORMACK. I might say in reply to that, without knowing the particular matters that the minority leader has in mind that we Democrats have found ourselves in the same position when the gentleman's party was in power and we rather admired him for his tactical leadership.

Now for the program. On Monday there will be seven bills called under suspension. They are as follows:

First. H.R. 44, U.S.S. *Arizona* Memorial. That is an authorization bill.

Second. H.R. 6691, a bill to provide protection for the Vice President, Vice President-elect and former Presidents.

Third. H.R. 7043, relating to the postal service. This is known as the downgrading bill. This has to do with situations where an employee through reclassification is given a lower grade but retains his salary of the higher grade. At least, that is my understanding of the purpose of the bill, and I believe it is a meritorious one.

Fourth. House Joint Resolution 435, a joint resolution relating to the centennial of the Department of Agriculture.

Fifth. House Joint Resolution 436, relating to the centennial of the land-grant universities and colleges.

Sixth. H.R. 2555, a bill relating to pay and allotments of Federal employees in advance.

Seventh. H.R. 4473, to amend the Bankruptcy Act in relation to limiting priority.

The Consent Calendar will be called on Monday.

On Tuesday we will have the Private Calendar.

For Wednesday, Thursday, and Friday we shall take up Reorganization Plans No. 7, 6, and 5, in that order. In relation to Nos. 7 and 6, the minority have the right if they desire, to bring up either one of these plans on the question of rejection.

Mr. HALLECK. Mr. Speaker, will the gentleman explain to us why we are taking them up in that inverse order? Some of us think that they ought to be brought up in the order in which they came up here, Nos. 5, 6, and 7.

Mr. McCORMACK. They can be taken up either way, but we are simply taking them up in the order of Nos. 7, 6, and 5.

Mr. HALLECK. Is that some more of the tactical leadership the gentleman referred to?

Mr. McCORMACK. I would say that we are keeping them in some kind of chronological order, at least so far as the numbers are concerned.

There is the usual reservation that conference reports may be brought up at any time, and any further program will be announced later.

Mr. BLATNIK. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. SCHWENGEL].

Mr. SCHWENGEL. Mr. Speaker, I think I heard some kind of a groan when the gentleman from Minnesota yielded me 5 minutes of time to speak. I resent that just a little bit because I have been working for a long time on a speech that I hope will be the best one that I ever gave to the Congress. Now I find there are some people here who do not want to listen to it. I cannot understand it. I hope that this call of "Vote" an indication of complaint, did not come from those Members whom we normally recognize as the Tuesday-to-Thursday boys around here. I would like to suggest that you are going to get paid for tomorrow, whether we are in session or not. And while I know that this speech I am going to give is good enough to keep you over for a day, I do not propose to take that much time.

Mr. Speaker, no one in the Congress can be more interested in the conservation of our natural resources or in resolving the pollution problems, than the Congressman who has the privilege of serving the First District of the State of Iowa.

My interest on this question stems back to the time I was a very young man and while I was living on an Iowa farm. My father, who had been born and reared in another country, told me about the terrible sin of abusing the soils and the natural resources that have been preserved for us by God and nature.

Since that time, I, of course, have had much time to reflect on what was and is a part of my own heritage, to read about it, to study and become acquainted with the total problem of conservation and its many phases that are important and need our attention.

This explains, too, why I have been so interested in studying and considering the legislative phase of this question.

After I came to the Congress and was assigned to the Public Works Committee, my interest was quickened and my study was increased and slowly but surely I came to the conclusion that here is a question that needs attention by every American and needs sympathetic consideration by every public official who can have an influence on reasonable and right solutions to this manifold and sometimes frustrating problem.

Because the problem was complex and difficult and misunderstood, I joined with State Senator J. V. Whitfield, of North Carolina, and a number of other conservationists and with the chairman of our subcommittee, the distinguished gentleman from Minnesota [Mr. BLATNIK], to ask the Secretary of Health, Education, and Welfare, Arthur Flemming, and President Eisenhower to call a White House conference on this question.

They accepted our recommendation. A conference was held here in Washington, D.C., in December of 1960.

To this conference came men and women from all over America, from every walk of life and from every interest group, to discuss the problem and some solutions to the problem.

It was my pleasure to have the opportunity to attend the conference, to join in some of the discussions and listen to some very appropriate and timely statements and discussions that bear upon this question.

In order that the House may have the benefit of knowing something about what took place here, I ask unanimous consent to have placed in the RECORD at this point a brochure entitled "Clean Water: A Challenge to the Nation, Highlights and Recommendations of the National Conference on Water Pollution."

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The matter referred to follows:

CLEAN WATER: A CHALLENGE TO THE NATION (Highlights and recommendations of the National Conference on Water Pollution—U.S. Department of Health, Education, and Welfare, Public Health Service Publication No. 816)

"It is a pleasure to send greetings to the citizens assembled in Washington for the National Conference on Water Pollution. It is heartening to know that this conference has attracted such a splendid representation from across the land.

"We in the United States are fortunate in having generally adequate amounts of rainfall over large areas of our country, but we waste much of this precious natural resource by water pollution. We cannot continue to do so and still have enough good water for the growing needs of our population, industry, and agriculture. Nor can we continue to expose our people to the health hazards of water pollution.

"In asking the Department of Health, Education, and Welfare to call this National Conference, I stressed the mutual responsibilities of all segments of our society in cleaning up our waterways. We need appropriate action by Federal, Interstate, State and local agencies. We need greatly expanded research, the continuing efforts of industry and agriculture, and, most important of all, we need the wholehearted support of the individual citizen. It is the business of the Conference to study and assess the problem of water pollution in all its aspects and to develop goals and programs that will assure progress in this field.

"I am delighted to add my best wishes for a most successful meeting.

"DWIGHT D. EISENHOWER."

"The National Conference on Water Pollution will affect the economic and public health planning of our Nation for many years to come. It held up to public view one of the critical problems of our time; it helped develop new information and fresh points of view about pollution control; and it focused attention on many different areas where new action is needed.

"The Conference opened a few hours after the onset of the worst snowstorm to occur in Washington in many years, one which virtually paralyzed the city. Despite the weather, nearly 1,200 people registered at the Conference and took part in its deliberations. For their attendance and for their help in shaping its recommendations, they deserve the gratitude of the American people.

"LEROY E. BURNEY, M.D.,

"Surgeon General."

INTRODUCTION

The National Conference on Water Pollution was called at President Eisenhower's request. In a message to the Congress, February 23, 1960, he stated that such a meeting was needed to "provide a forum in which

all concerned can confront and better appreciate their mutual responsibility for solving this pressing problem."

The Honorable Arthur S. Flemming, Secretary of the Department of Health, Education, and Welfare, subsequently called upon the Public Health Service to organize the conference and at the same time invited 37 distinguished citizens to serve as a steering committee to help and advise the Service. The committee was composed of highly qualified individuals representing municipal, State, interstate, industrial, civic, labor, and women's organizations, and other citizens' groups having an interest in the water pollution problem. The committee met with the Public Health Service staff for the first time on June 22, 1960, and worked closely with it during the summer and fall. The Conference itself opened at the Sheraton-Park Hotel in Washington, D.C., on December 12.

This booklet presents the highlights of the Conference—excerpts from some of the principal addresses, reports of the various panel groups, and a final summary of Conference recommendations. It is not, nor can it be, a complete and balanced report of the Conference; for this, readers must wait for the final proceedings which will be published in the near future. But it may give an overall view of what went on during the 3 days of December 12, 13, and 14, 3 days which may have a lasting influence on American attitudes toward the management of water resources and the need for control of water pollution.

Conference planning

Early in its planning for the Conference, the steering committee and the professional staff fixed upon four basic areas of concern in the field of water pollution control. These became, with only small change, the topics assigned to the four panel groups. The first was the effect of pollution on the Nation's health, welfare, and economy; the second was the importance of water pollution control on the management of water resources; the third was the responsibilities of government, industry, agriculture, and the public in combating pollution; and the fourth was the need for research and professional training.

The division fixed upon by the committee and staff worked well. It was possible to obtain four outstanding people to serve as panel chairmen and with their help, to build self-sustaining and effective programs. The chairmen, whose reports are presented in this booklet, were the Honorable Thomas A. McCann, mayor of Fort Worth, Tex., and a member of the Water Pollution Control Advisory Board; Dr. E. A. Ackerman, executive officer of the Carnegie Institution of Washington, D.C.; Dr. Abel Wolman, professor of sanitary engineering at the Johns Hopkins University, Baltimore, Md.; and Dr. Gordon M. Fair, professor of sanitary engineering at Harvard University, Cambridge, Mass.

The four panel sessions ran concurrently on the second day of the conference; on the first day, one plenary session was held and a banquet at which outstanding Members of Congress spoke. On the third and final day there was a plenary session for closing remarks and conference summary.

The conference was conducted without the adoption of formal resolutions. Reports and recommendations were prepared by subcommittees which are listed elsewhere in this document. The subcommittees were chosen in such a way as to insure that all interested groups were represented. Following each panel session and summary report an opportunity was provided for comments from the floor. This summary report contains only the reports of the subcommittees. Floor discussion will be found in the proceedings.

The program set up during the summer and fall suffered one defeat as the result of the winter weather beginning on December 11. It was necessary, in the face of a crippling snowfall, to forego the opening morning session and to postpone the scheduled address of Secretary Flemming to the final day of the meeting. In all other respects the program went on as originally planned.

Public information

A basic part of preconference activity was the carrying on of an intensive public information program to focus attention on the problem of water pollution and to increase public awareness of the need for its control. The conference staff published a monthly bulletin, as well as a series of leaflets covering the effects of water pollution on recreation, on fish and wildlife, and on the public health and welfare. A chart book was also published and distributed at the time of the conference and other promotional material was planned.

The steering committee was helpful not only in planning and directing the Conference, but also in developing the public awareness program. Organizations represented on the steering committee distributed Conference material to their members, published a great deal of information about the Conference in their own magazines and journals, and in some cases carried on cooperating publicity programs. A number of other organizations and groups not associated with Conference planning also contributed to the information activities, most notably the advertising council, the National Association of Broadcasters and the Outdoor Writers' Association. John Charles Daly contributed greatly to the radio and TV information program.

The Conference itself was widely publicized in the press and on radio and TV during its 3 days of sessions.

Accomplishments

It is too early to assess what the long-range impact of the Conference may be. Three things, however, seem apparent—the Conference brought new public attention to the problem of water pollution; it reached agreement on many significant issues connected with water pollution control; and, finally, it identified two major areas of disagreement.

The first of these areas of disagreement concerned the Federal Government's role in pollution control. An examination of Conference minutes shows no serious questioning of the need for a Federal program and no serious questioning of the general areas in which this program should function. But there was sharp divergence of view, reflected in this booklet, on what the extent of Government activity should be.

There was also uncertainty among conference participants on the standards of cleanliness which should be set for our rivers and streams. What is economically feasible for a community, a river basin, or a nation to insist upon? What safeguards should be set against some of the newer pollutants, and what safeguards should be set against the use of chemicals which will eventually reach our water supplies?

If no agreement could be reached on these major issues, very considerable agreement was possible on a number of others—the need for more research and basic data, public awareness, keeping water as clean as possible, comprehensive river basin development, a need for stronger State leadership, the important responsibility of the Federal Government in research and technical assistance, and the need for more and better trained manpower. Published in this booklet are the 30 recommendations which were developed by the subcommittees and presented to the conference group for comment. They represent the consensus of informed and highly interested persons repre-

sented every significant point of view on water problems.

The final accomplishment of the National Conference is the one which may in the end have the most effect upon how we use our water resources in the future. The conference, in 6 months of planning and in 3 days of actual session, brought new national attention to the need for the control of water pollution in the United States.

As executive secretary of the conference, I should like to express the thanks of the Public Health Service to members of the steering committee, to conference speakers and participants, and to my fellow members of the staff.

FRANK A. BUTRICO,
Executive Secretary, National Conference on Water Pollution.

CLEAN WATER

(By Dr. Leroy E. Burney, Surgeon General, Public Health Service)

This conference is one of many heartening indications that the American people are coming to a full recognition of the realities of our technologic age. To a far greater extent than ever before, we live in a man-created and man-controlled environment. It is within our power to shape our own future, to guide the evolving patterns of society and determine the nature of the surroundings in which we and our children will live.

Few if any problems are more intricately interwoven into the fabric of our society than the control of water pollution. Clean water is essential to life itself; it is essential to our industrial technology, and to agriculture; is essential to the conservation and use of the many natural resources upon which the richer life depends.

FEDERAL VIEWPOINT

In describing the water pollution picture from the viewpoint of a Federal health agency, I should like to develop four principal points:

First, that water pollution control is an integral part of the broader problem of water resource development and use;

Second, that water pollution control is an inseparable part of the broader problem of environmental health protection;

Third, that an impressive amount of productive activity is already underway in controlling water pollution;

And, fourth, that the problem demands a still stronger effort on the part of Federal, State, and local authorities, industries, and all others concerned.

AN ECONOMIC IMPERATIVE

All of you are well acquainted with the overwhelming statistics on water usage, both today and in the foreseeable future. Already, in many areas, there is not enough water to go 'round. To cite one outstanding example, it is estimated that the water in the Ohio River, at times of low flow, is used almost four times as it flows from Pennsylvania to the Mississippi. It is at this point of reuse, of course, that the threads of water quality and water quantity become inextricably interwoven. And it is at this point also that considerations of national health enter the equations.

A BIOLOGICAL IMPERATIVE

There is no room for doubt that we are presently passing through a second industrial revolution. Its byproduct wastes and side effects threaten a new kind of health problem for our own and future generations, caused by the environmental pollutants and conditions to which we are continuously exposed every day of our lives—the chemicals in the water we drink, the food we eat, and the air we breathe, plus ionizing radiation from both natural and manmade sources.

I do not intend to suggest, of course, that our microbiological problems are solved,

once and for all. I do wish to emphasize, however, that in the public health professions we stand at the microchemical frontier.

We know that the biological effects of some chemicals in our environment, and of low-level radiation, may build up over long periods of time. The hazard to the individual may well be related to the cumulative total of radiation or toxic chemicals received throughout his lifespan, continuously or intermittently, whether their source be water, air, food, or any of several others. A substance like lead, for example, coming from such sources as agricultural sprays and automotive exhausts, is present in food, water, air, and tobacco.

The effect on human health of the contemporary environment cannot be neatly packaged in mutually exclusive categories labeled "water pollution," "air pollution," "radiation," "occupational health." The individual's health is, at root, indivisible. The total environment has a cumulative impact upon it.

PROGRESS IN POLLUTION CONTROL

The present Robert A. Taft Sanitary Engineering Center is the largest research enterprise of its kind in the world. Among its recent accomplishments has been the development of new and extremely sensitive devices to extract and identify organic compounds in extremely small amounts. Other developments at the center include new criteria for using sand filters in water-treatment plants, and a successful pilot project of a sewage-treatment procedure applicable to housing subdivisions beyond the reach of metropolitan sewer systems. Among the many basic problems now under study are methods of identifying compounds present in wastes and determining whether or not these compounds can be successfully assimilated by the treatment plant or the stream.

We recognize, of course, that even this greatly accelerated research effort is only a beginning. Research must be expanded and diversified manifold, not only in Public Health Service installations but also at universities and other research centers throughout the land.

BASIC DATA

The Public Health Service has initiated a long-range basic data program which includes among others: (1) A national network of 75 stream sampling stations, to be increased eventually to 300, on interstate streams to measure water quality; and (2) inventories of water, sewage, and industrial waste facilities in the United States, published at regular intervals.

INTERSTATE ENFORCEMENT

Where pollution of interstate waters endangers the health or welfare of persons in a State other than the one in which the pollution originates, the Surgeon General and the Secretary of Health, Education, and Welfare are empowered to take action to abate pollution. Enforcement actions have been taken thus far in 13 interstate pollution situations, involving more than 4,000 miles of streams. The remedial measures agreed upon will include the construction of some \$500 million worth of waste treatment facilities.

CONSTRUCTION GRANTS

A total of 2,483 sewage treatment projects have been approved for Federal construction grants from 1956 through November 30, 1960. Of these, 1,246 are completed, 717 are under construction, and the rest are awaiting construction. They received grants of \$205 million, and the total project costs were \$1.2 billion. The stimulating effect of the Federal grants is seen in the better than 64 percent rise in sewage treatment plant construction since the grant funds became available.

PROGRAM GRANTS

The Federal Water Pollution Control Act authorizes \$3 million a year for 5 years as grants to help support State and interstate pollution control programs. The States are required to pay from one-third to two-thirds of the costs of these programs. In general, the States have been able to expand their operations, and some have initiated new research and stream surveys as a result of the grants. Appropriations by the States for water pollution control activities have risen from \$4.2 million (in 1956) to \$6.5 million (in 1959) since the program grants became available.

TRAINING

The Public Health Service offers advanced training for engineers, chemists, and other scientists and technicians from Federal and State agencies, municipalities, industries, and foreign countries, as another of its services designed to aid the States and other allied agencies and organizations.

THE SHAPE OF THE FUTURE

There has been genuine progress in pollution control. There has been a heightened willingness on the part of the many agencies and groups concerned to assume their rightful responsibilities. In short, there is cause for encouragement.

There is not, however, cause for complacency. The condition of our waters is a national disgrace. It is tragic for the world's richest, most powerful and most technologically advanced Nation to foul its own nest, limit its own growth, and threaten the health of its people.

Plainly, the most fundamental responsibility of all rests at the source—with the municipalities and industries concerned. Our success or failure in pollution control will be proportional to the application of control measures by those who discharge wastes to the waters.

Clearly, too, the States must continue to be keystones of our pollution control efforts. Historically, legislatively, and logically the strength of the State agency is a major determinant of success in pollution abatement.

Finally, there is an unmistakable Federal responsibility derived from the national scope and enormous complexity of the problem itself—a responsibility for leadership in research and investigation, for contributing to an enlightened awareness on the part of both the public and the professions involved, for aiding and strengthening programs at State and local levels.

Water pollution control is a national problem of the first magnitude, both in its relationship to water resources development and in its involvement with man's health. It is not, however, an insuperable problem. In a nation such as ours, we can find enough money; we can develop enough scientific and technological capability, enough public concern, and enough mutual confidence and good will to reach a balanced solution.

A MATTER OF SURVIVAL

(By Albert E. Forster, president and chairman of the board, Hercules Powder Co., Wilmington, Del.)

The responsibility for solving the water pollution problem belongs to each individual American, working in community with his neighbors until it becomes one all-consuming national effort. Every American contributes to the problem simply through the fact of his existence, and because of his insistence on a high standard of living.

The seriousness of the water situation is the fault of no one group or organization, yet every one of us is responsible for depleted stocks and increased requirements. Trying to point the finger of blame may be easy and tempting but is utterly devoid of constructive criticism.

Recently there was proposed a three-part water management program in the Pacific Northwest. This was an industry-oriented program, one which I wholeheartedly endorse because it takes into full account the equities of all water users. This program would perform the following three steps:

1. By areas, the present and future beneficial water uses of an area would be determined and enunciated. These uses most certainly would include the disposal of industrial wastes as a legitimate water use.

- And at this point I would like to emphasize the word "area." Water problems differ sometimes radically from one area to another. The answer to a problem in Delaware might be totally inadequate in California. For that reason the first step toward any solution of water resources problems must begin within the area, whether that be a municipality, State, or geographic region.

2. Water quality criteria would be established to protect these uses—criteria which would allow maximum use and reuse of the waters.

3. A program of monitoring to maintain required standards would be established and carried out.

This proposed program springs from a self-centered motive—the motive to survive. It is proposed by industry which is facing tremendous problems of industrial waste disposal. It is carefully thought out and it preserves the equities of all concerned.

REUSE OF WATER

We are apt to overlook the tremendous extent to which the reuse of available water now makes the same million gallons of water serve many masters. It is estimated that the present reuse of water by industry approaches 100 percent, and that this may be expected to rise to 400 percent in the future—that is, one gallon of intake water would be used five times.

It is obvious to those of you here today that conservation of water by dams and reserve stocks along our great rivers will assist materially in the near future both for supply and pollution control. I think it is also obvious that the desalting of sea water on a cost basis which we can bear will become a reality before too long. Neither of these factors, however, will obviate the present and future need to reuse the water we have many times over.

I would like to submit for your consideration a program and philosophy I believe must be embraced in order for us to succeed as a Nation in solving our water resources problem.

My first and most important proposal is that water resources and pollution control be considered on a State level, with funds, manpower and dedication as important as highways and schools.

In too many States, attention has been put to these problems only when everything else has been budgeted, if indeed any action at all has been taken. What's left over provides a pitiful amount of money to engage the services of too few professionals in this field. And the whole program, small as it is, is stripped of any authority to do anything because the States' lawmakers are so blind to the critical urgency of it.

In most all of our States, the greatest emphasis, attention, money, and public support it given to highways and schools. Certainly, better schools and highways are needed, and undoubtedly more money can be wisely spent on each of these items. But at the same time, we must allocate more to water resources if we insist upon continuously raising our standard of living.

Therefore, I say that each State should have the necessary facilities, empowered by the necessary laws, and staffed by the best engineers, so that the overall problem is licked first on the State level and working

closely together with other States or interstate agencies on a regional level. Guiding this development of State and regional control should and must be the Federal Government, acting very much as our research and development team in industry does.

State and interstate control agencies must be able to call upon the Federal Government for guidance and counsel. A duplication of research effort on the State level would be impossibly costly and futile of any great achievement, since there are not enough trained personnel to go around.

Furthermore, the science of sanitary engineering is finding it increasingly difficult using known methods to solve some of the problems now being faced. New ones are cropping up every year.

Therefore, my second proposal is that a vastly increased research effort be brought to bear immediately upon the water pollution problem under the guidance of the Public Health Service, utilizing to a far greater extent than is now done the research programs being carried out by industry and private foundations on this common problem.

Coordinate, I suggest, all of the existing extensive research done on water pollution, find in that manner where more is needed, and then organize all of this knowledge and talent so that it may be immediately available and usable to anyone.

What will it take to carry out this research? Public Law 660 of 1956 now provides for a broader research program within the Public Health Service and for greater Federal cooperation on these areas through research grants, research fellowships, contract research and training. In addition, it provides for strengthening the broad research program within the Public Health Service.

This is now being utilized to the extent consistent with appropriations being made under the law by Congress. It is evident that these are insufficient. Therefore, increased funds should be made available by Congress so that these programs in research can be implemented at a greater rate.

My third proposal, I sincerely believe, holds the key to success or failure of our common effort. I said at the start of my talk that the problem of water management in the United States is the responsibility of every citizen. Until a majority of our citizens are convinced, first that a problem does exist, second that we have no choice but to find a solution—and soon—and third that they must assume their share of responsibility in the solution, we as a Nation will fall short of the solution required.

INFORMATION PROGRAM NEEDED

In simple words, I am suggesting that a well planned information and education program must be launched and carried through to success if we are to solve our water resources problem.

This program of information and education is another example of a job too big for any one of us alone. We must establish a common ground of attack, pool our resources, our available skills and funds, and then move on all fronts at one time to convey in many forms, and using many media, the vital importance of water conservation.

Government on a Federal, State, and municipal level, industry and the citizenry, must work out together the management and improvement of this resource in order that we may continue to live and grow and prosper.

In the last few decades, I submit that industry for the most part has not only assumed its responsibility in the conservation and safekeeping of water supplies, but has done so at a faster rate than many municipalities so anxious and eager to have industry as a neighbor.

The chemical industry, which I represent, has been outstanding in its program of water pollution control. In the past year alone, more than a hundred million dollars has been spent by the chemical industry of the United States on water pollution control.

Some of it has been done by edict, and I will be the first to admit that there are now—and perhaps always will be—those members of the business community who require the harsh arm of the law to make them act as good citizens.

I am gratified that most of it has been done voluntarily. The recalcitrants, like the bad apples in any segment of our society, and each segment has them, should be treated as the exception to the rule and not be allowed to blemish the reputation of the majority.

In developing a total approach to adequate water supplies we must consider maximum utilization of our flowing streams. No longer can we afford the economic loss from recurring periods of flood, or the waste of this water so necessary for implementing dry weather flows. Regulation of flow throughout the year will provide additional summertime volume, thus increasing the assimilative capacity of the stream as well as providing additional volume for use by all.

Such a program for harnessing our streams is one which must encompass an entire watershed and which would affect several States. It is therefore, one in which Federal participation must be considered. In such a national approach to our water resources problem, flood control, power generation (where feasible with flood control), flow regulation and recreational use must be completely correlated for maximum use consistent with the economic benefits to be derived.

POLLUTION IS A PEOPLE PROBLEM

(By Dr. Ira N. Gabrielson, president, Wildlife Management Institute)

The public to which casual reference sometimes is made, and whose viewpoint I was asked to express today, is the sum total of all the people who use water. It extends from householders to farmers, from industrialists to recreationists, and from city planners to businessmen who try to accelerate community and State development and advancement.

Regardless of position and affluence, we share a common need for adequate supplies of uncontaminated water. We benefit from water that is clean, and we are penalized by that which it dirty. This is why I say that water pollution is a problem of the people.

The head of the family ends up paying the bill regardless of the pollution-control philosophy that is followed. He pays it in the form of extra cents on his shopping bills when the costs of industrial water treatment facilities are passed to the consumer. He pays the cost as taxes which are levied to underwrite municipal, State, and Federal programs.

The people pay in another way when pollution abatement responsibilities are ignored. They pay by having to live with recurring water shortages, blighted neighborhoods, impaired health, loss of industrial, business, and real estate revenues, and sacrifice of social, cultural, and recreational opportunities. When waste treatment belatedly comes to those many areas where it has been delayed, the people still are going to be out-of-pocket.

Some appraisals of the threat of water pollution overlook achievements that have been and are being made by industry, agriculture, and local, State, and Federal units. Progress has been made in a number of important ways.

The record shows clearly, however, that these efforts collectively fall short of the

mark. They are too few and too isolated to have substantial impact.

Much more must be done. Research must be accelerated and the findings applied. Industry should recognize pollution abatement as a regular operational expense. Clean water requires substantial expenditures at all levels.

A contributing factor to the present dilemma is the number of people who persist in viewing watercourses as sewage and waste disposal channels regardless of the difficulties imposed on others.

Inspired, dedicated, and as well equipped as the staff personnel may be, State programs are hampered by the unwillingness, reluctance, or inability of the legislative bodies to provide necessary appropriations. Funds for State agencies have about tripled in the last decade, rising from \$2.2 million in 1950 to \$6.5 million last year. The average State and jurisdictional investment in 1959 was approximately \$130,000, a grossly inadequate sum. This weakness is further underscored by the realization that 40 percent of the \$6.5 million was invested by four States.

The Federal contribution to State programs last year was \$2.6 million. Federal funds have comprised between 28.7 and 29.5 percent of the State's programs during the past 3 years. The record also shows that State investments fell off during the years 1953-56 when Federal assistance was not available.

Federal grants and assistance programs to the States are not recent innovations. The first began in the 1870's.

It is my personal opinion, and one which apparently is held widely, that the Federal program of grants-in-assistance for the construction of pollution abatement facilities presently is one of the best approaches to this national dilemma that is making clear water a scarce resource.

FEDERAL INVESTMENT VITAL

Federal investment for the protection of our surface and ground water supplies is fully as vital to our national life as are expenditures for defense, post office, transportation, agriculture, and others.

Only three States have substantial grants programs for assisting municipalities in meeting their responsibilities for constructing water treatment facilities. State leadership toward solving water pollution problems continues to lag. And the dim prospects for any greater participation appear to be the principal reason for the vigorous support of the Federal program by State water pollution control administrators and sanitary engineers.

Water pollution control has outgrown its classification as primarily a public health problem. Pollution now rates full membership in the vexing relationships that dominate the entire water resources field. Freeing water of contaminants and preventing the introduction of additional pollutants is an overriding water resources challenge of this century. This technological and construction gap cannot be denied parity with flood control, storage, navigation, and irrigation.

There is concern about the "Final Report of the Study Group on Mission and Organization of the Public Health Service," dated June 7, 1960, which recommends inclusion of the water pollution control functions in a Division of Water Supply and Pollution Control in a new Bureau of Environmental Health. Five of the six divisions of this Bureau would incorporate functions and responsibilities of existing organizational units. This plan offers no boost for water pollution control. That activity already has divisional status. Other activities, such as air pollution and occupational health, which presently have only branch and program status, would be elevated to divisions. This recommendation clearly falls short of public expectations.

Pollution control would remain a sub-base-ment activity with a mission that is primarily directed toward public health. The published public record makes doubtful congressional acceptance of this report.

Extensive amendments to the Federal Water Pollution Control Act are being readied for introduction in the 87th Congress. These proposals most likely will include the status of the program within the Federal establishment, construction grants to municipalities, program grants to States and interstate agencies, extension and strengthening of Federal enforcement, and the control of pollution from Federal installations.

Several points whose acceptance by all water users would do much to assist in achieving pollution control objectives are:

1. A national system of water quality standards from a health, recreational, industrial and aquatic life basis should be developed and accepted by all units of government. These standards should be enforced vigorously and uniformly. Damage and loss should not be required as proof of pollution.

2. All users of water have the responsibility of returning water with all wastes removed from it that can be achieved up to and including ultracleansing were required. The national objective should be to keep pollutants out of streams. The design capacity of treatment systems should be computed for maximum treatment of wastes independent of the estimated capacity of streams to absorb and stabilize wastes.

3. Users of water do not have an inherent right to pollute. A desire for clean water was the foremost viewpoint expressed in communications from national membership organizations.

4. Public awareness programs should be expanded at all levels.

5. The public should insist that all jurisdictions accept and fulfill responsibilities to protect the national well-being by keeping surface and ground waters free of pollutants.

6. Pollution control objectives should be achieved by use of construction grants for waste treatment facilities, tax amortization incentives, watershed erosion control measures, and strengthened law enforcement at local, State, and Federal levels.

7. States and municipalities should be encouraged to participate more fully in water pollution control activities. Federal persuasion and leadership should be provided to obtain acceptance of local and State roles where necessary. The Federal Government does have responsibility for research, enforcement, grants assistance, and other necessary activities.

8. Federal assistance should be conditioned on guarantees of stronger State programs and improved participation in pollution control activities.

WATER POLLUTION IMAGE

(By Mark D. Hollis, Assistant Surgeon General and Chief Engineer, Public Health Service)

If we agree that water pollution results from concentrations of people in a progressive dynamic economy, then certainly it should surprise no one that we have today an involved and complex problem. This is simply in keeping with the tenor of the times. A requisite need, perhaps, is to break down barriers of provincialism, the prejudices of proprietary interests, and varieties of narrow traditional points of view, too commonly shared by so many of us.

What is now important, it seems to me, is to see whether this National Conference can stimulate something beyond a cool air of coexistence; to see if we can modify the spirit of competing interest, of conflicting interest—to something more akin to a spirit of allied interest, of common goals and common objectives; to remove the feeling of in-

compatibility between the reasonable protection of the Nation's waters and the obvious necessary use of these same waters for the final disposal of liquid wastes.

As we look ahead two decades, by 1980, the urban population will be in the 200 million range. The population depending on surface streams for drinking water will be about 165 million. The sewerage population will be at 200 million. We assume all waste will be treated. Average stream flows will be the same. For most streams the waves of pollution shocks will become somewhat additive—there will be little time for the stream to recover between such shocks. Distances between waste outfalls and water intakes will be wedged closer and closer together. Hundreds of new type, more persistent pollutants will further complicate the situation.

The pollution image will broaden and likely it will darken. At the same time water needs will spiral upward toward astronomical figures. Repeated reuse of waters will become the rule—not the exception. Three-fourths of the 1980 population will live in metropolitan areas. Six-times reuse of the same water must be anticipated. What then will water quality be like? What will the stream environment be like. What about recreational and aquatic values? These are pertinent questions?

Let's remember that waste treatment is partial treatment—not purification. Treatment is designed to condition the waste and reduce its polluting shock—with the stream completing the job. For most areas, this concept is still workable and will so remain for the predictable future. Economically this is important, because costs are quite high for advanced stages of treatment. On the other hand, in some areas, the composite residual loadings after treatment are already overtaxing stream capabilities. This situation will become common in the years ahead. Improved treatment will be needed. This is one of the several new situations we must face as we move toward our bright new world.

Today metropolitan and industrial wastes are huge in volume and include increasing amounts of new type synthetic chemical contaminants. Most of these wastes were practically nonexistent in 1940. Now they are present in concentrations up to 500 parts per billion in several major streams. These synthetic organics do not break down like natural organics; they are persistent over long periods, and to a considerable extent, they are not removed either by sewage treatment or by normal water purification practices. We have much to learn about the behavior of these new contaminants in streams, their relationship to natural stream purification phenomena, and their long-range subtle effects on public health, on aquatic life, and on municipal and industrial water supplies. They add the question of toxicity to the age-old problems of typhoid fever and similar diseases.

CANNOT IGNORE POLLUTION

This aspect of the pollution situation is characterized more by what we don't know than by what we do know. This is not the type of problem that should be "swept under the rug" and forgotten. It needs to be in the open and it needs to be worked on. For when we project trends for a decade or two this aspect of pollution does have sobering implications and creates a real sense of urgency for research action now. The public health aspect of water pollution again moves front and center.

PREVENT, DO NOT CORRECT

Let's remind ourselves that we are in the midst of an era of accelerating change—with increasing tempos affecting almost every facet of our daily lives. Pollution control in the past has been largely corrective. In the future it must be preventive. Remedial

measures must replace corrective actions. The tenor of the times and the complexity of the problem simply outmode the philosophy of postponement. The present so soon becomes the past that continually, from here on, we must work with a critical eye to the future.

We must remember too, that when we speak of 1980 or 1990, no longer do we mean some far distant dim future that the next generation might worry about. On water pollution, the need for clear concepts and principles, for stepped-up research and bold action cannot be postponed. This need is not tomorrow—it is today. Perhaps even it was yesterday.

We must recognize that we cannot enjoy the great advantages of modern technology without accepting some of the consequences. Pollution is one of these. But the pollution impact from human activity in these areas of "wall-to-wall" people can be moderated—and it must be moderated. How clean and pure we attempt to maintain our streams is a matter of economics and realities, and of values both tangible and intangible. If our objective be pristine purity for purity's sake, we can easily "price" ourselves out of progress. On the other hand, if our objective be solely the dollar sign, continually to undercut the necessary cost of controls, we can easily "prosper" ourselves out of critically essential water resources. Between these extremes come the tough hard choices.

To say it costs too much to prevent excessive pollution is just plain nonsense. But we do need a clear understanding and a clear definition of "excessive." Obviously, pollution must be kept below the levels of significant personal health damage. It should be kept within bounds that do not destroy recreational and wildlife values. It is desirable to keep pollution within bounds which preserve the natural stream habitat. For every stream, each of these levels has its corresponding price tag—and you can be sure that the cleaner and purer, the higher the cost. And present cost will move upward where there are ill-advised, indiscriminate watershed developments.

In other words, while there are limits to what can be accepted as technological progress, there are also limits to how far such progress must, or will, yield to desirable but less than critical aspirations. The difficulty always lies in identifying limits. Certainly these cannot be generalized—necessarily they will vary, from area to area, and from stream to stream, depending on the state of development and other realities. This emphasizes the need for development of truly comprehensive water use programs—basin by basin—with some means of assuring strict adherence to the agreed-upon plans and objectives. With a few exceptions—this we now do not have.

In these times we must learn to run faster and faster to stay in the same place. Annual construction should be \$600 million—up 50 percent over the current rate—to take care of the backlog, the increasing sewerage population, and obsolescence—the latter will increase substantially in the sixties. Assuming the industrial waste load as equal that of municipalities—and certainly it is no less—this means a construction rate of more than a billion dollars per year on into the future. There is no substitute—we might as well face it.

In the backwash of all these tidal waves, at least five factors need to be underscored:

1. There is less and less justification for any city or industry to discharge untreated sewage and waste to the waters of the United States—especially in the inland waters.
2. For most cities and industries, the treatment requirements will shade upward from primary treatment to at least secondary treatment.
3. It is important promptly to accelerate the rate of constructing treatment works to

the level required to erase backlog and to keep up with growing needs and obsolescence.

4. We need a substantial program of research with three primary objectives:

(a) To assess the public health significance of the growing array of new type contaminants.

(b) To develop practical methods for measuring and for removing dissolved pollutants—for application where wastes have serious toxic potentials.

(c) To develop practical supplemental treatment methods to stabilize further the effluents from conventional treatment. This is for application in those areas where stream use justifies almost completely stabilized organic discharges.

5. Considering pollution from all sources—there is real need to update the national system of monitoring streams.

In water pollution we all have much in common and much at stake. Water pollution control is now big business—it's important business and it's urgent business. On a tonnage basis, waste treatment is, by far, the biggest business in the United States. In far too many areas it has been a neglected business—out of sight, out of mind. The only way to control pollution is to treat wastes, and this costs money—lots of money. With few exceptions, this money is not willingly spent. Hence, public understanding is essential. And this must be backed up by effective regulatory controls.

This points up the great need for public understanding and public awareness. We have a challenge and an opportunity to speak out on this pollution situation. Our objective should be to alert, not alarm—to clarify, not confuse. As we move ahead, let's keep Mr. Citizen in mind—because so much depends on what he thinks, and wants, and is willing to pay for.

THE LEGISLATOR LOOKS AT WATER POLLUTION

Presiding: Dr. Leroy E. Burney.

Master of ceremonies: John Charles Daly, member, Water Pollution Control Advisory Board.

Speakers:

Hon. ROBERT S. KERR, U.S. Senator.

Hon. FRANCIS CASE, U.S. Senator.

Hon. JOHN A. BLATNIK, U.S. Representative.

Hon. WILLIAM C. CRAMER, U.S. Representative.

Senator ROBERT S. KERR, of Oklahoma, chairman of the Senate Select Committee on National Water Resources:

"We must no longer endanger the national health or survival by permitting a price tag to prevent action. We must do what is required. I believe this will be the attitude of the new Congress and the new administration.

"The time for just talk has long since passed, and I am sure that everybody here is fully aware of that. Vigorous action at every level of government has long been an urgent necessity, and becomes more so daily. But, for whatever reason this conference was called, it can, and will, accomplish something real, by spurring the necessary action. We in Congress need your support to get this job done. Why isn't this the time and place to start an organized campaign?

NEW POLLUTION BILL

"On the opening day of the 87th Congress I will introduce another pollution bill with the added feature of a stepped-up program of research.

[Editor's Note.—Senator KERR has introduced the new legislation which includes an increase from \$50 to \$75 million annually for the Federal matching funds to help construct municipal sewage disposal plants. The 10-year total authorization would be \$750 million.]

"Thus far, research has been so inadequate that the question of pollution ele-

ments, not yet identified, may be as serious as the problem of neutralizing and handling the pollution already known to exist. Therefore, greater research is an absolute necessity, not as a vehicle for passing the buck, or as a justification for delay. It is a necessity as a means to find ways to better abate pollution, and to do it more rapidly at less cost.

"I quote conservative sanitary authorities who say that \$600 million annually for the next 8 years is the minimum required for the construction of disposal facilities of human sewage alone. Added to this is the cost of handling industrial and natural pollution, plus the maintenance of a steady flow of water for waste dilution.

"The problem of water pollution, like that of municipal water, is primarily a local responsibility. Both Federal and State Governments must provide leadership and assistance. At the Federal level, I intend to do all I can to help pass the necessary legislation to provide both incentive and enforcement."

[EDITOR'S NOTE.—Senator KERR, pointing out the need to dramatize the menace of water pollution, suggested facetiously a "mermaid with a broom" as a popular symbol necessary to awaken the Nation to the need to clean up its streams. Such a symbol, he said, "would do what 'Smokey Bear' and the 'Litterbug' label have done to alert the public to the need to combat forest fires and to prevent littering of streets and highways."]

Senator FRANCIS CASE, of South Dakota, ranking minority member of the Senate Public Works Committee:

"In addition to the millions of cubic miles of ocean water, how much more salt and otherwise mineral polluted water exists in underground pools and streams, I lack the imagination to estimate. But our knowledge of artesian supplies and shallow wells that are heavily saline in character indicates that a tremendous reserve does exist when man achieves the conquest of desalination and demineralization.

"We are at work on this job. In 1952, Congress passed a bill which authorized a program of research contracts with private and public institutions in the desalination of water. It attracted little general attention at the time. We had difficulty getting appropriations. I recall once when a Boston scientist was being badgered by questions as to what he would do with the money, he asked: 'If I knew what we would find out,' he replied, 'we wouldn't need the research.'

"But we did get some funds and in 1953 research contracts were made with some of the organizations or institutions which had shown some interest in the field.

"First thoughts were of sea water because of its abundance. California Congressmen Fletcher, McDonough, Phillips, and Engle, the latter now Senator, had all pushed bills on the subject in the House. Senators Anderson of New Mexico, O'Mahoney of Wyoming, Cordon of Oregon, Hayden of Arizona, Wiley of Wisconsin, and Johnson of Texas, were among those most active in the Senate. My special interest stemmed from a fairly intimate acquaintance with alkali water and its brackish cousins in the arid and semiarid regions of the West.

"The initial program was organized in the Interior Department by David Jenkins of Ohio. Subsequently, Secretary Seaton created a full-fledged Office of Saline Waters and placed former Nebraska Congressman Dr. A. L. Miller in charge. His professional knowledge and energetic direction have done much to bring the program to where it now is—one of the most promising and constructive activities of the Federal Government in the whole field of water conservation and utilization.

"Research contracts on various processes have been carried on with both oceanic and inland waters. In 1955 we extended and expanded the original authorization. By 1957 a number of processes showed real promise. Senate committee hearings developed testimony which supported the belief that results warranted practical, full-size demonstration plants. In 1958 Congress passed and President Eisenhower approved a bill to authorize five practical-size demonstration plants—three to deal with sea water, two to treat inland brackish waters.

"PROGRAM NOW UNDERWAY

"This program is now underway. The location and the processes of each one are revealing as to the nature of this water pollution problem and the range of solutions.

"Plant No. 1 is now 40 percent complete at Freeport, Tex. It will convert 1 million gallons per day of gulf waters into potable drinking water at an estimated cost of 97 cents per 1,000 gallons. If increased to a 10 or 15 million gallon capacity, the cost can be cut in half, it is believed. This plant will use what is known as the long-tube vertical distillation process.

"WATER FROM PACIFIC OCEAN

"Plant No. 2 will be at Point Loma, San Diego, Calif. Ground-breaking ceremonies are being held December 19, 1960. It, too, will produce 1 million gallons per day, using water from the Pacific Ocean in a multiple-effect evaporation process.

"Plant No. 3 will be at Webster, S. Dak. Contracts for it have recently been signed and construction will start in the spring. This plant, using electrodialysis with water passing through membrane stacks, will treat waters that are about 2,200 parts per million in solids. Many towns of the West have a constant battle with such waters that eat out or clog water pipes and sewerlines with a variety of effects upon the human system. Its capacity will be 250,000 gallons per day and the cost is expected to be in the vicinity of 50 cents per 1,000 gallons.

"Plant No. 4 will be at Roswell, N. Mex. There, water will be used that has a hardness of 24,000 parts per million. A process will be used of forced vapor circulation with drop condensation.

"Plant No. 5 will be located somewhere on the east coast of the United States to work on waters of the Atlantic Ocean. The process will probably be an adaptation of natural freezing similar to one that has received considerable publicity for use by the new State of Israel.

"Dr. Miller envisions an eventual cost of water recovery by these methods approximating 30 to 35 cents per thousand gallons. This can be put alongside of an average distribution cost for American cities of 35 cents as estimated by the American Water Works Association.

"The contaminated waters of the Potomac River flow into the Atlantic Ocean. And even the longest of rivers winds at last into the sea. The very processes of distillation and recovery which are being developed in the saline water program may offer the answer to many local water pollution problems with which your conference will deal.

"DISPOSAL OF ATOMIC WASTES

"And may I remind you that the disposal of atomic wastes probably carries the ultimate threat in water pollution. Radioactive raindrops disturb not only water supplies but milk and growing crops. Even lead-lined boxes deposited at sea offer cause for concern—especially since bathysphere divers last summer discovered that fish living at the bottom of the ocean's deepest trench depend upon oxygen carried to them by deep-sea currents.

"One of the staunchest supporters of the desalination program has been Senator

ANDERSON for many years chairman of the Joint Committee on Atomic Energy. His interest springs, in part, from his belief that what is developed in this program may be important to man's survival in an atomic age.

"This program of desalting or demineralizing the great, ultimate reserves and storehouses of the world's water in the oceans and the underground reservoirs may seem so vast as to be discouraging as are some of the profit-protecting practices employed by industry and the topsy-turvy habits of modern life which pollute our streams. But progress is being made."

Representative JOHN A. BLATNIK of Minnesota, chairman of Subcommittee on Rivers and Harbors of the House Public Works Committee:

"I plan to introduce extensive amendments to the Water Pollution Control Act when Congress convenes in January.

"These proposed amendments will call for (a) greater Federal research, (b) expanded Federal enforcement jurisdiction, (c) stepped-up Federal aid to communities for the construction of waste treatment plants, (d) extended Federal grants-in-aid for State pollution control activities, and (e) the establishment of an independent agency in the Department of Health, Education, and Welfare to handle Federal water pollution programs and activities.

"The problem of water pollution has been too long ignored by all levels of government, by industry, and the public as well. Despite 12 years of Federal efforts, the pollution problem is worse than ever, costing the Nation over a billion dollars a year in lost resources.

"Water pollution is no longer primarily a health problem. The control of pollution is a key aspect of the entire water resource problem. Effective pollution control is necessary to permit repeated reuse of water in the coming years when the demand will equal and exceed the supply.

"Industry opposition to Federal pollution control legislation is shortsighted in view of industry's great need for water. Industry should cease its opposition to Federal grants to municipalities, especially in view of industry's support of tax benefits for themselves for the construction of industrial treatment facilities."

Representative WILLIAM C. CRAMER, of Florida, third-ranking minority member of the Subcommittee on Rivers and Harbors of the House Public Works Committee:

"The Federal Water Pollution Control Act of 1956 is a step in the right direction but I plan to strengthen the act by introducing amending legislation in the 87th Congress.

"Amendments to the 1956 act will have four principal objectives:

"1. To strengthen State and Interstate water pollution control programs.

"2. To make more effective assistance to municipalities in the construction of necessary sewage treatment works.

"3. To provide for more effective prevention and control of water pollution caused by Federal Government installations.

"4. To strengthen the role of the Federal Government in abating pollution of interstate waters.

"I intend to introduce legislation which would extend the provision for Federal grants to State and interstate water pollution control agencies for administration of their programs.

"This legislation, if passed, would make it possible for several communities to get individual Federal grants and use these funds in the construction of a single sewage treatment facility.

"I would make all interstate navigable waters and coastal waters subject to Federal abatement enforcement authority whether or not there is a showing of interstate pollu-

tion, if abatement action is requested by a State or municipality with the concurrence of the State, and I would also authorize the Secretary of Health, Education, and Welfare to issue orders in enforcement actions.

"Discharges from Federal installations should be subject to administrative findings and recommendations in Federal water pollution abatement actions conducted by the Department of Health, Education, and Welfare.

"I believe that these proposed amendments will provide an improved statutory base for the Federal-State water pollution control and abatement program.

"With the shift of people from farm to city as the mechanization of farm operations has reduced the need for farm labor, it is almost trite to point out that we have become an urban nation. What is of greater significance is that we are rapidly becoming a metropolitan nation. Between 1950 and 1960, over 85 percent of the net increases in population occurred in metropolitan areas, and it is estimated that by the end of the century only about 5 percent, or perhaps 17 million people out of about 330 million, will live on farms.

"With the area from Washington-Norfolk to Boston, Mass., becoming largely a metropolitan area, it is obvious that even metropolitan water problems have become interstate problems, as have many other natural resources problems. This fact has recently given rise to numerous requests by States for interstate compact ratification legislation by Congress. Such compacts obviously are essential and can serve useful purposes in many instances.

"Constitutionally the Federal Government's authority has traditionally been mere ratification, thus permitting the States to act under such interstate compact authority. Recently, legislation with the northeast compact bills as an example, proposed a drastic deviation from established policies by providing for actual voting participation on such compact commissions by the Federal Government representatives, including the right of veto. This involves a very serious State-Federal relationship as well as constitutional questions which resulted in the Justice Department's opposing this approach last session.

"Concurrently, with this growth of the metropolises, a rapid increase in personal income and in general living standards has taken place which has provided people with both far greater leisure time and means with which to enjoy it. The resulting trek to sun, sand, and sea has resulted in a boom in my own home State of Florida which today is not only stimulating enterprise to provide for all of these people who seek recreation and relaxation in a benevolent climate, but has induced efforts to develop new types of industry and commerce to provide economic opportunity on a year-round basis for our tremendous increase in population which this boom has brought about.

"But these situations have brought about a most important bearing on our national water resources picture. Huge quantities of water of acceptable quality must, in the future, be provided for these areas. And of even greater significance, the waste products of these great congregations of people must be properly disposed of in such a way as not to foul our rivers, lakes and oceans, if they are to continue to supply not only water for municipal and industrial use, but for the support of fish and for the creation of environmental factors required if we are to enjoy our increasing leisure time."

SUBCOMMITTEE REPORT

(By Hon. Thomas A. McCann)

Neither the extent nor the effects of water pollution are sufficiently known to permit precise agreement at this Conference on the topic assigned to panel I, "Water Pollution

and Our Changing Times: Effects of Pollution on the National Health, Welfare, and Economy." But an analysis of the papers and discussion indicates that the future quality of our water resource and the range of human needs the resource can serve can be as high or as low as we wish it to be, depending on the values we wish to protect and the price we are willing to pay.

Known threats to human health from water pollution under existing treatment levels are not seen as catastrophic by public health officials, but better knowledge of the short and long-term effects of pollutants may show dangers where none are now anticipated.

Certain minimum steps are indicated to minimize threats to public health from pollution: investigation of potential health hazards as an integral part of development of processes and products producing pollutants, and preservation of uncontaminated water supplies and regulation of waste disposal.

The information needed to protect public health can be obtained only by the combined efforts of public and private interests, inspired by a keen sense of responsibility for water quality. Government responsibility in factfinding should be exercised in a strong and foresighted manner in order to provide sound bases for action programs. Examination of the public health consequences of technical and industrial processes must be a regular and necessary part of research and development. The eventual cost to our society of achieving hygienic security will be much less than the potential cost of dealing with the effects of pollution.

Effects on recreation and esthetic values are difficult to measure because the judgments on use of water for such purposes are subjective.

Impacts of pollution on fish and wildlife are extensive. The U.S. Fish and Wildlife Service has stated that the area of habitat rendered unproductive each year by pollution is greater than the habitat established by all public agencies conducting wildlife restoration programs.

INDUSTRY'S WATER NEEDS VARY

Impacts of water pollution on industry are difficult to generalize upon because of the almost infinite variety of industrial uses. The largest industrial use is for cooling, where a wide tolerance in quality is permissible. In food and pharmaceutical manufacture, on the other hand, standards well above those for drinking water may be necessary.

Industrial management does not often seek public action to protect its water supply; it is reported as inclined to accept the burden of treating the water it needs for its processes. Industrial management, for the most part, believes that pollution of industrial water supplies will not increase to more critical levels in the near future. Water quantity and quality are important in plant location decisions; so is the extent and cost of pollution abatement which is likely to be required of industry.

The problem of evaluating pollution—of finding acceptable ways of comparing costs and benefits—is very difficult, but must be resolved if specifics are to supplant generalities as a basis for the establishment of sound public policy. Documentation of pertinent kinds of water quality deterioration is necessary. The prime difficulties are that various pollutants cause varying kinds of water supply deterioration, and measures of pollution effects vary with the values being considered. A pollutant damaging to recreation may be harmless to industrial users.

A precise definition of the different kinds of values with which we are concerned is essential. At least three kinds of values must be considered—health values, recreation values including esthetic values, and market values. The relative importance of

these values will vary with changing demands.

Measurement of physical and biological relationships—to relate water quality to volume, temperature, etc., as well as to the usual problems of waste disposal—is essential.

In consideration of the impacts of water pollution on our changing times, the subcommittee members assigned to panel I have prepared a series of recommendations designed to protect and enhance the values of the water resource. The subcommittee believes that the following recommendations are reasonable and warrant vigorous implementation:

1. We recommend that the conference express its conviction that the goal of pollution abatement is to protect and enhance the capacity of the water resource to serve the widest possible range of human needs, and that this goal can be approached only by accepting the positive policy of keeping waters as clean as possible, as opposed to the negative policy of attempting to use the full capacity of water for waste assimilation.

2. There is need for a more systematic approach to the evaluation of water pollution problems, to include health, esthetic, and market values. A framework for analysis must be developed which will provide a relatively precise understanding of benefit-cost and which will form the basis for the design of public policies and programs for effective water quality management.

3. States should develop water monitoring programs for bacteriological, biological, chemical, physical, and radiological quality. This work should be coordinated with the efforts of an expanded national water quality Network of the Public Health Service. More data should be collected on the condition of streams both before and after water-pollution abatement.

4. The construction of municipal waste treatment facilities should be expanded immediately with continued increases to keep up with population growth and to abate the backlog of pollution by 1970. A similar program expansion should be applied to the wastes from industry.

5. Each Federal installation should be required by Congress to treat its wastes in accordance with the standards for cities and industries in the area, with 1964 set as the target date for providing minimum treatment.

6. It is recommended that improved methods be developed for measuring pollution abatement progress. New engineering parameters which encompass all pollution components, as well as yardsticks for measurement of stream quality, are critically needed.

7. The administrative level of the water supply and water pollution control activities in the Public Health Service and in the States should be commensurate with the importance of this problem.

8. We recommend that public policy formally recognize the recreation value of our water resources as a full partner with domestic, industrial, and agricultural values in water quality management policies and programs.

9. We recommend that appropriate public and private agencies mount and sustain an expanded program of public information to the end that enlightened public opinion can be brought to bear on the accomplishments, costs, needs, opportunities, and problems involved in water quality management, noting that this Conference should provide a dramatic opportunity to launch such a program.

10. It is recommended that the Public Health Service assume leadership, in collaboration with other public and private agencies, in collecting, compiling, and publishing pertinent data on the toxicity of water contaminants. This should include criteria, standards, methods of testing, and safe allow-

able concentrations for human consumption; also that efforts be made to stimulate toxicological and epidemiological studies to be made to determine long- and short-range effects.

11. In order to facilitate assessment of the total pollution problem, it is recommended that particular attention be given to accelerating the collection of information on industrial waste loading. The Public Health Service should coordinate collection of this information on the national level.

12. The Conference feels that financial incentive should be provided to encourage industry to install needed waste treatment facilities. This may be accomplished by permitting industry, for corporate income tax purposes, to charge the cost of non-productive waste water treatment facilities as an expense.

NOTE.—During the discussion period following this report, there were a number of comments made with reference to recommendation No. 1, especially referring to the policy of keeping waters as clean as possible as opposed to using the full capacity of water for waste assimilation. The recommendation as written received general agreement in panels I, II, III, although in panel III two changes were suggested. These changes are indicated at the conclusion of the panel III report.

SUBCOMMITTEE REPORT

(Dr. E. A. Ackerman)

The members of panel II regard their assignment as one of the more difficult at this conference. An analysis of pollution control as a means of increasing water supplies requires a great deal of the information and expert knowledge which came forth in panels other than this. Our panel's question is complex because we not only must know what the present dangers are but also what impacts various types of pollution will have in the future upon the Nation's water supplies. We must know what the future needs for water will be for specific purposes and total demands as they extend into the future. We must know how pollution control measures are to be handled, and how they will fit into our legal and administrative systems. This job of analysis is not one which we have taken lightly.

Participating with us in our panel sessions and deliberations have been representatives from all major regions of the country. We have listened to lawyers, legislators, engineers, administrators, geologists, biologists, and chemists. Included in these have been Federal Government officials, State government officials, municipal officials, and men from private industry, private foundations, and trade associations. Speaking for the panel subcommittee, I should like to state its consensus in comments on three broad questions: (1) How much do we know about water pollution? (2) What can we see for the future? and (3) In areas where other water needs exist, or may be reasonably anticipated, what should be done to minimize waste disposal demands upon water resources?

We already know more about pollution and pollution control than we put to practical use. As Mr. Powers observed in our session, there are many water quality intelligence programs in this country. These include those of the United States Geological Survey, the newly established National Water Quality Network under Public Health Service supervision, regional projects like the Ohio River Valley Water Sanitation Commission, and numerous others of a local information gathering nature by private industry and municipalities. Through these means we have a reasonably broad picture of stream contamination by microbiotic organisms as indicated by the coliform bacteria, and much specific knowledge of the inorganic and or-

ganic contaminants of industrial origin usually found in urban areas or in densely settled regions.

We have a reasonably good picture of the control of pollution from natural causes. Indeed the reduction of sediment in streams, and the control of undesirable dissolved solids in streams may offer major opportunities for water improvements.

Carl B. Brown of the Soil Conservation Service stated, "silt pollution is a major deterrent to the effective development of the water resources of most drainage basins in the United States." He further estimated that annual losses from silt pollution may be on the order of \$350 million a year for the country as a whole. Mr. Brown also pointed out that substantial amounts of our reservoir capacity are lost every year from silt or sedimentation. He further noted that about two trillion gallons of water must be filtered annually to remove suspended silt. We know the sources of much of this sediment, and even the type of erosion which causes it. Within recent years even metropolitan areas have been adding their increment to the sediment load of streams, as suburban development has soared.

Yet there are many things which we do not know. According to Mr. Klassen, for example, adequate analytical methods do not exist to determine the quantitative presence in water of 400 new substances for washing clothes, cleaning cars, killing weeds, controlling insects, and other uses. According to Mr. Klassen and Mr. Cunningham, we need to accelerate research on viruses and means of their control as an additional safeguard to potable water supplies. Dr. Cotnam pointed out that we do not even know the total consumption or production of all pesticides. Mr. Klassen observed that present laboratory methods for determining water quality compliance are, in most instances, giving us nothing more than a history of conditions that existed one or more days previously. Methods are needed to determine what conditions are at a given moment so that better knowledge of hazards to water can be ascertained.

MORE EFFICIENT TREATMENT NEEDED

Finally, treatment processes presently available for use in urban waste disposal are less than 90-percent efficient. For that reason, treated wastes cannot be discharged to receiving streams without deterioration of quality. Economically feasible "totally complete" treatment has not been developed yet.

If there are gaps in our knowledge of the present, it can be expected that the gaps are even larger as we look at the future, the contours of which we need to appraise in answering the questions put to this panel. Surprisingly, however, we do have some important information in this respect. Recent inventories of the relation of water resources to future demands indicate that on 22 major watersheds of the Nation 5 will show a deficiency of supply as compared to projected needs in 1980. This means that for these five basins there will be a demand for water which can be produced through the techniques of reuse or pollution control. Already some such water is in use in these basins. The greatest prospective deficiency occurs in the Southwestern States, and it is there that quality control to permit water reuse becomes essential for future economic development. Before the end of the century, three more basins, the western gulf, the upper Arkansas-Red River Basins, and the Western Great Lakes area, are expected also to become deficient areas. On the other hand, most drainage basins east of the Mississippi and those on the lower Missouri, the lower Arkansas-White-Red, and the Columbia show adequate supplies, with proper conservation and normal control measures, even at the end of this century.

This situation does not describe many difficult subregional and local situations. The general outline is such that Mr. Banks stated, "We have reached the point where any use of water that does not give optimum economic and social return is wasteful. Maximum use with minimum quality deterioration must be our goal if we are to so budget our water expenditures that the available supply will be adequate to meet our growing needs."

Probably for this reason several endorsements of comprehensive development were made. Descriptions were given of the process of comprehensive planning as it is now being carried on for the southeastern river basins by the U.S. Study Commission, Southeast River Basins. Such development has progressed systematically within a few river basins, like the Columbia, the Colorado, the Central Valley, and the Missouri. Completed planning studies for comprehensive development have been made in additional basins as for the New England-New York basins, and those of the Arkansas-White River Basins. In addition to the southeastern river basins, studies are in progress for Texas rivers and in the Delaware Basin.

The progress of comprehensive development is of substantial interest to those interested in pollution control. It is basic to any knowledge of the extent to which pollution control will be needed as a source of water. Only through comprehensive planning can we obtain an estimate of total needs over a reasonable future period. Only through comprehensive planning can we obtain an intelligent picture of alternative sources to meet these needs. At least two speakers defined comprehensive development in terms of plans which aim at the maximum benefits for all purposes. One suggested that this be in terms of the maximum contribution to gross national product.

There is more to comprehensive development as it has been conceived by the speakers than engineering and technical organization. A legal and administrative structure which will permit the progress of such development and management is a question requiring serious attention. Even though comprehensive plans may be proceeding or have been finished for a number of important river basins, the legal support necessary to carry out comprehensive water management to the fullest needs study and attention. Our legal structure may or may not be compatible with the needs of comprehensive development. Thus the concept of water quality rights was introduced by Mr. Banks as almost certain to be a needed part of the legal structure of the future. In many of our States we now have water quantity rights, although not in all, but water quality rights need defining and legislative sanction.

It appears inevitable that as water quality deteriorates and interferes with established uses of water, litigation regarding water quality will increase in frequency and magnitude. Water quality rights therefore will achieve greater recognition and more precise definition.

In connection with these rights the question of water quality standards arose. Some speakers stated quite emphatically that no standards of water use could be applied to the entire country; indeed, that each community, or each river reach, presents an individual problem in water quality standards. Others felt that this may be a somewhat narrow interpretation of water quality criteria. There are certain standards which can be nationwide, indeed, universal. Thus, our knowledge of pathogens can tell us what will make people ill anywhere, and permissible levels of radioactivity will be the same anywhere. However, there are a number of criteria which can be only locally or regionally.

Out of these and many other interesting and significant statements which were made in the course of panel II sessions, the subcommittee has developed a few recommendations which it offers to the Conference.

The panel recommends the following measures to facilitate the control of pollution in the Nation's streams and underground waters:

1. Comprehensive development:

Planning for the comprehensive development of each major basin or water resource area should be established as a fixed national policy. By comprehensive development we mean the application of integrated multiple-purpose design, planning, and management which include the joint consideration of ground and surface waters, systematic conservation by water users, and the treatment and management of waters having substandard quality. Consideration of every appropriate technique would be a routine part of planning for such development.

Such planning, insofar as feasible, should include consideration of all important industrial plant sites. An early and important objective should be a systematic program of flow regulation. State initiative toward comprehensive planning should be encouraged, and participation by all major interests should be encouraged. The objective should be one of eventually producing maximum total benefits from all economic and social uses.

2. Reservoir site acquisition:

Provision should be made, legally and financially, for the identification and acquisition at an early date of reservoir sites needed in the execution of comprehensive plans. The mounting population, the spread of settlement, and general intensification of valley land use otherwise may make many good sites totally unavailable or prohibitively costly.

3. Water quality criteria:

Provision should be made within the Public Health Service for developing the water quality criteria which are suited to application on a national basis. However, many water quality criteria are not uniformly applicable because of the effects of area usage differences, stream characteristics, and other factors. State and local determinations of some criteria also will have to be made. It is recognized that periodic revision of these criteria not only will be in order, but should be sought, as new data are made available.

4. Water quality monitoring:

Enlargement and extension should be made of the water quality monitoring programs now in effect, so as to reveal more adequately conditions, existing and future, in rivers and streams. We believe that the protection of the public health and the preservation of water supply sources for accepted beneficial uses require such extension and enlargement.

5. A national credo:

We recommend the adoption of a national credo, to be given as wide and consistent publicity as is feasible. The content of the credo would be:

(a) Users of water do not have an inherent right to pollute; (b) users of public waters have a responsibility for returning them as nearly clean as is technically possible; and (c) prevention is just as important as control of pollution.

6. Basic research:

It should be regarded as an obligation on the part of industry to undertake basic research which will determine the biotic and other effects influencing the public welfare of the products they distribute. This should apply to detergents, insecticides, pesticides, herbicides, fertilizers, and other microchemicals and microbiologicals, and to the effects of metallic wastes such as compounds of chromium and cyanide. Where the effects of these or other health hazards or potential public nuisances are

not adequately treated within industry, the Federal Government or the States must provide for and budget such research. Additional research of peculiar public responsibility includes the effect and interpretation of reducing anaerobes, nitrifying bacteria, viruses, protozoa, and other biota, and radiation hazards.

7. Sediment and salinity control:

The value of soil conservation, sediment control, and salinity control as pollution abatement measures should be recognized through planning and budget in our National, State, and local resource development programs. They should be considered as tools to be applied in water development and management. Pollution abatement is a problem with roots in rural land use and agronomy, as well as in urban congestion and industrial growth.

(NOTE.—During the discussion following the presentation of this report, questions were raised concerning the implications of some of these recommendations. Although no changes were made in the report by the chairman, he explained the intent of the recommendations in some detail. This explanation will be included in the proceedings of the conference.)

SUBCOMMITTEE REPORT

(By Dr. Abel Wolman)

Panel III has as its principal objective a comprehensive study of the various problems involved with "keeping water clean." This broad subject included the responsibilities of Government, industry, and the public in controlling the rising volume of pollution in the Nation's rivers and streams.

In opening the session on the not-so-innocent theme of "keeping water clean," the panel chairman posed several questions as a framework upon which the discussion might evolve. These questions were not intended to cover all of the problems, but they were designed to point up some of the issues which are associated with the subject of keeping water clean. They are listed as follows:

1. How clean should the Nation maintain its rivers and streams; for what purpose; and at what price?

2. What are the responsibilities of private industry, as well as the local, State, and Federal Governments in keeping water clean?

3. How can public sentiment be created and maintained as part of the continuing fight against water pollution?

4. Who is to pay for the stepped-up program against water pollution?

5. What are the inadequacies of various water pollution control laws, and what should be done to strengthen these laws?

The subcommittee, following the formal panel session, pursued these questions at considerable length in order to arrive at a set of recommendations which would be acceptable to the varying points of view represented at the session.

Panel III developed a set of six broad recommendations which spelled out the responsibilities of Government, industry, and the public in keeping the Nation's rivers and streams clean. These are as follows:

1. We recommend that the conference express its conviction that the goal of pollution abatement is to protect and enhance the capacity of the water resource to serve the widest possible range of human needs, and that this goal can be approached only by accepting the positive policy of keeping waters as clean as possible as opposed to the negative policy of attempting to use the full capacity of water for waste assimilation.

2. Administration of water pollution control programs on State and interstate streams should continue to be the responsibility of the State agencies which therefore must be supported by adequate budgets and staffed by competent directors, engineers, scientists, and related professional personnel. It is

essential that State legislatures appraise more realistically their opportunities and responsibilities in carrying out the principle herein stated and are urged to take appropriate action where necessary.

3. The Federal Government has clear responsibilities in its working relationship with State and local governments with respect to: research, leadership in personnel training, regulatory procedures, water resources inventories and investigations, and standards of water quality.

No agreement was reached among the conferees as to the extension of authority of the Federal Government in the area of water pollution control.

4. The Federal grants-in-aid program has provided a valuable stimulus to the control of stream pollution. Other methods of financing construction of sewage and waste treatment works deserve thorough study and investigation to determine the most appropriate means available or which might be made available for sound and equitable allocation of costs. Several other means of financing were suggested in one or two papers presented at the conference. The view of the Panel Subcommittee was that these should be listed and appraised without any commitment on the part of the Subcommittee as to which, if any, should be recommended. It did suggest that these and others unnamed should be explored at some subsequent time:

(a) Incentive grants from Federal and State appropriations;

(b) Guaranteed bonds;

(c) Revenue bonds;

(d) Marketing long-term revenue bonds under a Federal system of guarantees such as FHA-guaranteed mortgages or loans for defense production purposes;

(e) The creation of a "Water RFC" or such Federal finance agency to discount, purchase, or collateralize such bonds for loan purposes; and

(f) The earmarking of specific taxes, notably from Federal licensing of pleasure boats and sale of fuel to all waterborne craft, for water-pollution control purposes.

5. The panel agreed that State statutes and organizational structures for water-pollution control should be reviewed and strengthened or revised where necessary. The following revisions were proposed in the suggested 1950 State Water Pollution Control Act as a guide for State legislation in this field. The proposals were: (a) Vast comprehensive authority in the State water-pollution control agency, which would be given independent status in its organizational placement in State government; (b) insure construction of municipal treatment facilities ordered by the State agency by authorizing courts to direct all necessary steps, including bond issues, tax levies, and revenue charges, if required; (c) authorize the establishment of sanitary districts to deal with local pollution-control problems beyond municipal limits.

The Panel did not arrive at an agreement on these proposals.

6. There was general agreement that the public needs more information on pollution and its abatement. Government agencies and other informed individuals should make every effort to present the facts in understandable form for use by individuals, organizations, and the general media of communication. Such material should include factual information and suggested methods of attack as have been discussed by the Conference.

In making his report, the Chairman of Panel III indicated that some members of his panel subcommittee suggested the recommendation No. 1 originally proposed by Panel III should be deleted, and that recommendation No. 1 made by Panel I on this same subject be substituted in its place. The recommendation suggested for deletion read as follows: "The national goal with re-

spect to stream protection should be the safeguarding of water quality. Every stream should be made to provide for the fullest range of uses for the type of society served and consistent with the variabilities within and among different basins."

It was suggested that panel I's recommendation should be amended to include the concept of economic feasibility. The subcommittee reported that although there was no objection to including this concept in the recommendation, the limited time available did not permit agreement on the exact phraseology and recommended returning to the original proposal to delete panel III's version of recommendation No. 1 and to substitute that of panel I.

The National Technical Task Committee on industrial wastes further suggested that recommendation No. 1 should be modified to express the conviction of the Conference that the control of pollution is intended:

(a) To protect and enhance the capacity of the water resources to serve the widest possible range of human needs, and

(b) That this goal can be approached only by accepting the policy of keeping water clean, consistent with the variabilities within and among different river basins.

SUBCOMMITTEE REPORT

(Dr. Gordon M. Fair)

The awareness of American public authorities to water pollution reaches back no more than the biblical span of man's life. Then, toward the end of the 19th century, as today also, it was the growing urbanization and industrialization of the Nation that forced the attention of the public to the need "for protecting the purity of inland waters." Then, as today again, it was recognized that the problems of water pollution were so complex, so varied, and so many that existing knowledge was not enough for their solution, that existing knowledge would have to be expanded in pace with the quickening water requirements of the country, and that only by the synthesis of a great variety of subjects "requiring for its achievement the organic cooperation of specialists under inspiring leadership," would satisfactory progress be attained. Then, as today, therefore, it was realized that investigators were wanted to carry on the necessary research, that money and facilities were essential to the success of a research program, and that men were wanted, too, for leadership in reducing the discoveries of the laboratory to practice.

First, the State and, later, the Federal Government were asked to conduct fundamental and applied research in laboratory and field on the relation of water pollution to the development of water resources for municipal and industrial uses, and on the sanitation of water supplies for the prevention of enteric disease.

The achievements of the generation that accepted that challenge were magnificent; so great were they, indeed, that by the end of the first third of the 20th century, the machinery of public water control could settle down into the grooves of, more or less, complacent routine. Then came "the great leap forward" in population, and in science and industry. Faster than seemed believable, the industrial revolution of our age intensified the competition for water and, at the same time, its degradation by ever-growing and ever-varying pollutants, ranging from thermal factors through inorganic substances to organics of such construction that they cannot be metabolized by the scavenging hosts of micro-organisms.

Parenthetically, it is these biological workmen to which we look for returning our lakes, streams, and tidal estuaries to natural cleanliness by themselves, or for removing even the most fractious substances committed to water by household or factory, in treatment works constructed so as to provide

the most favorable environment for the operations of these beneficent microorganisms.

MORE SPECIALISTS NEEDED

Once again, therefore, we are confronted by great changes; changes that demand of us the concurrent creation in adequate numbers of specialists and leaders and stimulation of research, that through analysis, synthesis, and reduction to practice will develop the technological support of pollution control that is promising of success today. To provide the sophistication necessary for a successful discussion of resources, research, and training for water pollution control in our times, the roster of specialists that was attached to Panel IV included not only engineers, but biologists and chemists, physiologists and toxicologists and economists and political scientists and, according to Dr. Gilbert White, we may have missed the boat by not including geographers and anthropologists—not only figures from universities and Government agencies, but also leaders in industry and men of affairs.

It follows that a very wide spectrum of talent considered the problems that we face in research and training for water pollution control and brings its report to this meeting.

The outlook for research is most promising because there has been a revolution in science as well as a scientific revolution. To draw a distinction between these two concepts that, otherwise, would seem to be identities, it should be explained that the scientific revolution has brought us new products and capabilities that are changing our mode of life and our environment, whereas the revolution in science is unifying the scientific disciplines and making it possible for scientists to understand one another's problems and to cooperate in their solution in radically new ways.

A striking example of the scientific revolution, as Prof. A. E. Kennelly, whose name is attached to the Kennelly-Heaviside layer, now generally called the ionosphere, used to suggest, is the fact that we can send a message around the globe in the time it took for the cry "land ahead" of the lookout on Columbus' ship the *Pinta* to reach the helmsman's ear.

REVOLUTION IN SCIENCE

To exemplify the revolution in science, we need merely to attempt to define the boundaries between the formerly well established compartments of science, labeled physics, chemistry, and biology. Today we find it largely impossible to answer a question such as "Where does physics stop and chemical physics begin?" Or, to continue, where shall we draw the line between chemical physics and physical chemistry; between physical chemistry and chemistry; between chemistry and biological chemistry; between biological chemistry and chemical biology; between chemical biology and biology; between biology and physical biology; between physical biology and biological physics; and, to come full circle, between biological physics and physics?

The destruction of the barriers between the sciences, not by interdisciplinary or cross-disciplinary cooperation, but by the fusion of the disciplines themselves, is illustrated by the report that a Nobel prizewinner in physics plans to direct his future work into biology. Such indeed is the nature of the revolution that is taking place in science itself. In a sense, therefore, we have become, as a group, like medieval man who as a natural philosopher aimed at the mastery of all human knowledge.

MATHEMATICAL CONCEPTS

Because of this great change in science, we can look forward with assurance to the solution of almost any problem. Among our least realized capabilities, it should be noted, is the utilization of developing mathematical concepts. Whereas the time

lag between the discovery of scientific principles and their utilization has been narrowed progressively, the backlog of mathematical ideas has continued to mount. The promise of progress, therefore, remains great.

But let me turn to the specific report of the findings and recommendations of panel IV.

The panel, as you will see, from the report itself, brings in certain recommendations and supports these by certain factual material. Since I do not have the time to read the entire report, I shall confine myself to reading the recommendations of the panel and indicating, insofar as time allows, the nature of some of the supporting statements.

Our first recommendation is related to the flow of engineers and scientists.

1. The flow of engineers and scientists who are competent to advance and administer the scientific, technological, and economic conservation of our water resources, including, in particular, the control of water pollution, must be increased promptly by recruitment and training of basically qualified personnel at two levels: (a) the professional or predoctorate level; and (b) the postdoctorate level.

Now, the reasons for this are that we do not have enough engineers. We do not have enough men in the chemical, physical, and biological sciences to deal with the problems that we face. We must reach over into already established scientific disciplines and entice individuals to come over into our field; very much as Dr. Glazer is being enticed by his own interests into the field of biology, we need to bring people from chemistry and biology and the social sciences and mathematics into our particular area.

There are about 5,500 practicing sanitary engineers of whom about two-thirds (3,700) are engaged in the development and control of water resources. It is estimated that about 280 newly trained men are needed yearly to maintain present strength. This estimate is based on an assumed 5-percent loss per annum by retirement, death, or defection. About 100 additional men are needed annually to keep pace with the requirements of population growth, and 350 are wanted as soon as possible to insure the accomplishment of urgently required technological advances. This implies doubling the professional population in 12 years and doing this in the face of growing competition for prospective scientific talent.

Work in this field demands, for the most part, training to the masters and doctorate levels. The current annual output of sanitary engineers is about 300, of whom only about 130 have earned a master's degree and fewer than 10 a doctorate. About 25 percent of these advanced students are trainees from foreign countries, leaving about 100 with significant education in depth for employment in the sanitary engineering fields in the United States. Obviously, this is too few even for current operations.

The universities of the Nation award 60,000 master's degrees per year. Of these, 5,400 are in engineering and 17,000 in the physical and biological sciences. Sanitary engineering is losing out badly in competition for professional talent, therefore. At the doctorate level the situation is even more disturbing. Of the 300-odd doctorates awarded annually in science and engineering, less than 10 percent have been in sanitary engineering.

Data are lacking on the existing numbers of qualified chemists, biologists, economists, and political scientists in the area of water resource development and conservation. However, both quantitative and qualitative estimates point to deficiencies that are at least proportional to, if not greater than, those in the engineering group.

The manpower needs for research are particularly acute. If research is expanded to an estimated requirement of \$20 million by 1970 and if \$20,000 will sustain 1 investigator for 1 year, about 1,000 investigators will have to work in this field. If 40 percent of these are to be engineers and 60 percent basic scientists, educational institutions will have to produce 400 sanitary engineers and 600 basic scientists with academic training that qualifies them for research. The current output of only 6 to 10 doctorates in all branches of sanitary engineering is far short of meeting the need, and the competition for basic scientists is so great that a determined effort must be made to recruit needed numbers of research leaders in the respective fields related to water quality control.

2. The capability of graduate schools or university departments of engineering and public health to produce a sufficient number of engineers and scientists who are able to deal effectively with the mounting problems of water resource control must be enlarged by support of staff, student body, and teaching and research facilities, as well as by grants-in-aid of research. Interdisciplinary research should be encouraged in particular. Because the use of personnel and the application of research lie in the public domain, the Federal Government must be expected to assume a substantial portion of the required financial burden.

A solid look at our graduate schools shows that they are not too well prepared for such a load. The capacity of 45 schools surveyed at different times including a series of direct interviews at 23 institutions show the following: 68 schools report the availability of graduate training in sanitary engineering. Of these, 36 offer training beyond the M.S. degree. Only 15 have averaged 3 or more M.S. and Ph. D. degrees per year since 1954. An additional 17 have averaged at least 1 but less than 3 per year. Eighteen of the schools have not granted any such degrees during this entire period. This is neither a balanced nor an efficient organization in a nationally vital area.

The following deficiencies in capacity for research and training are estimated to exist:

(a) A 38-percent increase in teaching staff, and operation at optimum level of enrollment, will provide less than half the expected annual requirements for personnel trained at the graduate level.

(b) The expectations of an increased requirement of nearly twice the present research activity is dependent upon acquiring both the added personnel for teaching and the full-time research staff, or a total staff of 144.

(c) To provide the desired capacity for training and research will necessitate the addition of nearly 500 qualified persons for teaching and research.

Corresponding increases in research funds and facilities are required to sustain needed investigators and to provide them with technical support and equipment. Only a small fraction of the Public Health Service funds devoted to medical research is going into research for water supply and water pollution control—currently less than 1 percent. A committee of Congress has estimated that the national support of needed research could and should increase to about \$3 billion by 1970, and that the Federal Government should expect to contribute about two-thirds of this amount. If we apply the same growth factor to research in water supply and water pollution control, we arrive at a national research budget of about \$15 million, a major part of which would have to be financed by the Federal Government.

3. The flow of research findings on the water environment must be increased and intensified in depth as well as breadth.

Fundamental research is needed in many aspects of water pollution control includ-

ing determination of the limits to which receiving bodies of water and biological as well as other treatment units can be safely loaded for the disposal of increasingly complex waste materials; identification of the role of water as a carrier of viral diseases, such as infections hepatitis; and studies of long-range chronic effects of trace contaminants in water.

We need to increase our research effort on the behavior and fate of newly introduced organic contaminants; and newly recognized viruses. We need to develop more effective means of removing pollutants from water in municipal and industrial water treatment plants; more effective process controls of industrial waste discharges; better recovery or utilization of industrial process wastes; and more sophisticated industrial waste treatment processes.

Water supply and pollution trends show that one of the most pressing problems in water quality management is the development of new treatment processes that will remove more of the contamination from municipal waste waters than present methods are able to do. Currently, large quantities of water must be made available to dilute and transport the residual wastes after treatment. When this water is not available, serious pollution hazards may result.

To discover and develop the required technologies will demand a major coordinated research program utilizing the best minds in the country and attracting physicists, physical, organic and biochemists, toxicologists, hydrologists, economists, geographers, and anthropologists who have not up to now been seriously engaged in water pollution research.

4. The flow of treatment-plant operating personnel as well as engineers and scientists working the wider field of water supply and water pollution control must be increased and their training broadened.

Two types of training are generally available: First, in-plant training of operating personnel for water and waste-water treatment works. This should be a requirement of all municipal sewage treatment works, particularly of those benefiting from Federal aid. Second, academic training of such personnel. This is available largely through short-course programs and conferences in universities and colleges. This training is most desirable. However, the means and resources are quite limited in comparison with the number of technicians that will be required within the next 15 years for pollution control purposes.

5. The field of water supply and pollution control has become so complex that we must think more generally than in the past, of a multi-disciplinary approach to the solution of developing problems. This implies the introduction of representatives of many disciplines including economists and political scientists, as well as applied mathematicians and physicists to this field and the creation of requisite institutes or centers for environmental health research at which needed personnel can be brought together.

Rapid changes and increasing complexity characterize our social and industrial growth. Research for the solution of today's problems calls for the group attention of scientists from the physical and biological sciences, sanitary engineering, applied mathematics and physics, and economics and political science. The making of headway is hampered by lack of communication with representatives of these areas. Unless a challenging program can be developed to encourage increased multidisciplinary attention to research in this area, we must be apprehensive of our ability to cope with environmental health problems that the technological advancements of the next several decades promise to bring.

Sample problems are: operations research or systems analysis of water resources developments including water quality control; integration of water purification and waste-treatment processes for maximum efficiency and economy; instrumentation for in situ, wide-scale, and longitudinal identification of pollution hazards and their control or prevention; automation of sampling and analysis of data; automatic computer control of treatment operations and warning systems for special hazards; and advanced methods of separation or destruction of solids in water. There are many others of like complexity and challenge that can be envisaged as lying before both in the immediate and more distant future.

6. The total national support for research in water supply and water pollution control should be increased substantially.

In research, funds and facilities are needed to sustain investigators and to provide them with technical support and equipment. Only a small fraction of the Public Health Service funds devoted to medical research is being applied to research in water supply and water pollution control—currently less than 1 percent. A committee of Congress has estimated that the national support of needed research in all fields of science and engineering could and should increase to about \$3 billion by 1970, and that the Federal Government should expect to contribute about two-thirds of this amount. If we apply the same growth factor to water supply and pollution control, we arrive at a national research budget of about \$15 million, a major part of which will have to be provided by the Federal Government.

(NOTE.—During the discussion that followed this report, it was suggested that a statement be included favoring the establishment of four Public Health Service regional laboratories for stream monitoring and applied research work. As an alternative it was suggested that laboratories be established at carefully selected universities. The chairman concurred in this suggestion.)

FEDERAL ROLE IN POLLUTION CONTROL

(By Hon. Arthur S. Flemming, Secretary of Health, Education, and Welfare)

I am happy to have the opportunity of participating in the first National Conference of Water Pollution.

I am delighted that through this conference those who are interested in the advancement of fundamental and practical knowledge in this area and those who are interested in promoting action programs have had the opportunity of getting together under the auspices of the Federal Government.

As a result of the short but intensive education that I have had in this area over a period of the last 2½ years, I am convinced that action on many fronts is one of our Nation's most pressing needs.

I can assure you, however, that I will consider all of the conference recommendations addressed to the Federal Government; and if it is possible for me to take future action designed to strengthen the role of the Federal Government in this area I will do so.

In addition, I believe that as a result of the privilege I have had of serving in this office, I will have an obligation as a private citizen to do everything I can to urge support for programs that are designed to strengthen the role of the Federal Government in this area.

In this closing address, therefore, I am going to identify the steps that, if taken, will enable the Federal Government to play the role it should play in dealing with the major national problem of water pollution.

Before, however, identifying some things that I believe should be done, I want to speak first of all about some of the things that should not be done. I refer to the proposal that some have made to transfer

responsibility for the Federal Government's programs in the water pollution area from the U.S. Public Health Service.

I believe that such a move would result in progress in this area being retarded rather than accelerated. Here are my reasons:

The Public Health Service over the years has recruited and trained for service in this area a group of unusually competent and dedicated public servants.

The work of these men in the water pollution area has been integrated with the total program of the Public Health Service in such a manner as to enable them to draw on resources that could not possibly be duplicated at any other point in the Federal Government.

The men who have moved to top leadership in the Public Health Service recognize that crusading for clean streams is one of their major responsibilities. This is reflected in the way in which they press both within the executive branch and on Capitol Hill for additional resources to discharge this responsibility more effectively.

The career civil servants who play such an important role in the conduct of all of the programs for which the Department of Health, Education, and Welfare has responsibility recognize that the water pollution control area provides the Department with a unique opportunity for constructive service.

There is no question in my mind but that future officials who are placed in top political positions in the Department will also propose and support programs of action in this area.

Now I want to identify what I am going to work for in an effort to make the Federal Government a more effective partner with the States, municipalities, and private organizations in the crusade to clean up the streams of the Nation.

I believe that the Federal Government should continue to make available additional resources to the Public Health Service for the collection and dissemination of such information. The Federal Government's opportunity for leadership in this area is virtually unbounded. This leadership will rest on a solid foundation only if the Public Health Service is provided with the resources that it needs to bring together the facts on which action by government at all levels and by private groups can be based.

I believe that the Federal Government should continue to make available additional resources for the conduct of research programs by its own personnel and for making grants for research and training projects and demonstrations to public and private agencies. The investment that has been made to date in this area has produced significant results. It is impossible to develop sound action programs to deal with many of the problems in this area because we have not yet, through research, identified the type of action program that will produce results. It is clear, therefore, that unless we do increase the resources that are available for research in this area, we are being penny wise and pound foolish.

I believe that the Federal Government can very appropriately make additional resources available for giving technical assistance to State and interstate agencies. In transmitting a communication to the Congress last spring, I included in it this statement:

"With the improved State programs that have been strengthened by Federal program grants, it has been possible for the Public Health Service to put more of its resources into the larger problems requiring assistance."

This statement, it seems to me, points up the fact that if we are willing to do more than pay lip service to the idea of State par-

ticipation in these programs, we can get results.

I believe that the authority which expires on June 30, 1961, to make grants to State and interstate agencies to assist them in meeting costs of establishing and maintaining adequate water pollution prevention and control programs should be extended for another five years. Furthermore, I believe that the annual appropriation authorization should be increased from \$3 million to \$5 million. Here again the Federal Government is provided with the opportunity of stimulating action at the State and interstate level which, if successful, will make unnecessary Federal involvement in direct operating programs in this area.

I believe that the program under which the Federal Government has made grants available to localities to pay part of the cost of constructing municipal-sewage treatment works has been a very successful program. I am impressed with the fact that during the period that this program has been operating, for every Federal dollar that has been spent, our municipalities have spent almost five.

I believe that there should be an expansion of the activities of the Public Health Service in the area of developing comprehensive plans for water pollution control by major water drainage basins. These plans must, of course, be developed in cooperation with State and interstate agencies, municipalities, and industry.

I firmly believe in the role of the interstate compact in dealing with this problem. I believe the Federal Government should continue to encourage and to lend assistance in the development of these compacts.

I believe that steps should be taken to provide for more effective prevention and control of water pollution caused by Federal installations. A step can be taken in this direction by amending the enforcement section of the Water Pollution Control Act so as to provide that findings and recommendations of the hearing boards set up under the act shall include specific recommendations relative to discharges from Federal property.

I believe that the role of the Federal Government in abating pollution of interstate waters should be strengthened.

The enforcement procedures now included in the Water Pollution Control Act provide a mechanism for bringing into play the combined strengths of State water pollution control agencies, interstate agencies, and the Federal Government.

These procedures, however, are now authorized only for cases of pollution which are damaging to health or welfare of persons in a state other than a state of origin. I believe that these procedures should be made available also whenever there is pollution affecting legitimate uses of the waters of any navigable interstate stream, whether or not there is interstate pollution.

I also believe that the Water Pollution Control Act should provide a mechanism for the initiation of enforcement procedures by a municipality adversely affected by water pollution. I also believe, however, that this avenue for remedial action should be limited to situations in which the Governor or State Water Pollution Control Agency has concurred in the municipality's request.

Likewise on the basis of my experience, I believe the Congress should clarify and strengthen the role of the Secretary of Health, Education, and Welfare in the enforcement process by providing that the findings and recommendations of the hearing boards shall be the Secretary's findings and recommendations except to the extent modified by him and providing for issuance of an order (instead of a notice) by him for abatement of any pollution found to exist. Parties of interest should be provided with the op-

portunity of appealing the order of the Secretary to the U.S. court of appeals.

Finally, I believe that the definition of "interstate waters" in the Water Pollution Control Act should be amended so as to include all waters which flow across or from a part of State boundaries. Coastal waters would be specifically included within this definition.

In conclusion, I have been tremendously impressed by the team spirit that has been and is being displayed by all who are related to this major national problem. I do not think that there is any real argument over objectives. From time to time disputes arise as to the factual situation that confronts us and as to the best methods to follow in order to achieve our objectives.

My experience with the enforcement provisions of the Water Pollution Control Act convinces me that once a competent and respected body has provided interested parties with findings of fact and recommendations based on these facts, they are willing to go ahead and carry out the recommendations.

INDUSTRY IS COMPLYING

As far as I can recall, there is not a single instance where industry has failed to move in the direction of complying with the recommendations of these hearing boards.

Likewise, governmental bodies have shown a willingness to comply with these recommendations.

There is one exception to this generalization, namely, St. Joseph, Mo., which is now being followed up in the courts.

Contrasted with this one situation, however, is the fact that voters went to the polls in November and approved bond issues totaling over \$100 million for the construction of facilities which are needed in order to carry out the recommendations of these hearing boards.

The response that we have received as a result of action taken under the enforcement section is, in my judgment, a reflection of an increasing determination on the part of the people of this Nation to clean up our streams and waterways.

By your presence and by your participation in the conference, you have made a major contribution to the achievement of this objective.

I look forward to the opportunity of continuing to work with you. I am confident that, working together, we are going to get results.

CONFERENCE SUMMARIZATION

(By Stuart Finley, documentary film producer)

During this conference you have received about 250,000 words of prepared texts. They have been thrown at you in the individual panel sessions, and here in the main hall. When you get home, your associates, of course, are going to walk up to you and ask, "What happened?"

And I wonder how many of you have one succinct sentence that will describe what the lead story here is. I dare say that most of you have not analyzed it that thoroughly yet, and the process of assimilation certainly is going to take a while.

Permit me to summarize what I have seen and heard and read here. The measure of success of this conference, as I see it, will be the degree to which what was said here influences your work in the coming years. I might add parenthetically that the Air Pollution Conference of a couple of years ago was talky, inconclusive, nonspecific, and yet many concrete activities of great value, stimulated by the public concern generated there, can be traced directly back to that meeting.

This National Conference on Water Pollution has developed 30 recommendations. Many of these were predictable in advance.

As you came here, you expected unanimous consent that pollution is bad and precisely this happened. Dr. Burney called it "a national disgrace." Mr. Lynch, of the Milwaukee Journal, called it a "galloping national disease." Mr. Fox, of Resources for the Future, Inc., put it realistically, when he said, "The word 'pollution' connotes evil; therefore it must be opposed."

But disagreement comes on this point. How bad is bad? How evil is evil? or, as Mr. Gill put it, "How clean is clean?"

On this question there is a tremendous range of opinion, some of which was audible in quotations like these, for example from Panel II:

"We recommend the adoption of a national credo, to be given as wide and consistent publicity as is feasible. The content of the credo would be: (1) users of water do not have an inherent right to pollute; (2) users of public waters have a responsibility for returning them as nearly as clean as is technically possible; and (3) prevention is just as important as control of pollution."

Panels I and II came up with another, even more positive synthesis: "We recommend that the Conference express its conviction that the goal of pollution abatement is to protect and enhance the capacity of the water resource to serve the widest possible range of human needs, and that this goal can be approached only by accepting the positive policy of keeping waters as clean as possible, as opposed to the negative policy of attempting to use the full capacity of water for waste assimilation."

In sum, then, it would seem that we must amend our first area of agreement somewhat. The National Conference on Water Pollution is not unanimously against all pollution. But the accent should be on the positive—keep streams as clean as possible, rather than working them to death digesting wastes.

There was, of course, another view as expressed by Leonard Pasek: "To a very substantial extent, American industry—and thereby our economy—has been built upon the base of that valuable asset, the ability of our great waterways to dilute, assimilate, and carry away industrial wastes."

Another question considered is "How well are we doing?" The answers brought out another range of opinion—"Corrective action is not keeping pace with the problem," and, "In the last few decades industry for the most part has not only assumed its responsibility in the conservation and safe-keeping of water supplies, but has done so at a faster rate than municipalities."

At the banquet on the evening of the first day's session you heard each of the four Members of Congress outline their proposals to amend the Federal Water Pollution Control Act.

With all of the words uttered at this conference, it is important to understand that the recommendations drawn up must necessarily be tentative. This is a political fact of life at the beginning of a new administration. It is also an economic fact of life in a society in which the equations are constantly changing, being rebalanced.

While there are sharp divergent views on the methodology for accomplishing water-pollution control, you stand agreed that it is a matter of vast and urgent concern. You stand agreed that the Federal Government, interstate agencies, municipalities, industries, and the general public must augment their present efforts, separately and jointly. You stand agreed, I think, that there is work enough for all and glory enough for all.

As you go back to your jobs, I hope it will be with a sense of urgency, and perhaps with a desire to change the question "Who's in charge?" to "How can we work together?"

RECOMMENDATIONS OF THE CONFERENCE

1. That the conference express its conviction that the goal of pollution abatement

is to protect and enhance the capacity of the water resource to serve the widest possible range of human needs, and that this goal can be approached only by accepting the positive policy of keeping waters as clean as possible, as opposed to the negative policy of attempting to use the full capacity of water for waste assimilation.

2. The adoption of a national credo, to be given as wide and consistent publicity as is feasible. The content of the credo would be:

(a) Users of water do not have an inherent right to pollute; (b) users of public waters have a responsibility for returning them as nearly clean as is technically possible; and (c) prevention is just as important as control of pollution.

3. There is need for a more systematic approach to the evaluation of the water pollution problems, to include health, esthetic, and market values. A framework for analysis must be developed which will provide a relatively precise understanding of benefit-cost and which will form the basis for the design of public policies and programs for effective water quality management.

4. Planning for the comprehensive development of each major basin or water resource area should be established as a fixed national policy. By comprehensive development we mean the application of integrated multiple-purpose design, planning, and management which include the joint consideration of ground and surface waters, systematic conservation by water users, and the treatment and management of waters having substandard quality. Consideration of every appropriate technique would be a routine part of planning for such development.

Such planning, insofar as feasible, should include consideration of all important industrial plant sites. An early and important objective should be a systematic program of flow regulation. State initiative toward comprehensive planning should be encouraged, and participation by all major interests should be encouraged. The objective should be one of eventually producing maximum total benefits from all economic and social uses.

5. Provision should be made, legally and financially, for the identification and acquisition at an early date of reservoir sites needed in the execution of comprehensive plans. The mounting population, the spread of settlement, and general intensification of valley land use otherwise may make many good sites totally unavailable or prohibitively costly.

6. The value of soil conservation, sediment control, and salinity control as pollution abatement measures should be recognized through planning and budget in our National, State, and local resource development programs. They should be considered as tools to be applied in water development and management. Pollution abatement is a problem with roots in rural land use and agronomy, as well as in urban congestion and industrial growth.

7. That public policy formally recognize the recreation value of our water resources as a full partner with domestic, industrial, and agricultural values in water quality management policies and programs.

8. Administration of water pollution control programs on State and interstate streams should continue to be the responsibility of the State agencies which therefore must be supported by adequate budgets and staffed by competent directors, engineers, scientists and related professional personnel. It is essential that State legislatures appraise more realistically their opportunities and responsibilities in carrying out the principle herein stated and are urged to take appropriate action where necessary.

9. The administrative level of the water supply and water pollution control activities in the Public Health Service and in the

States should be commensurate with the importance of this problem.

10. That State statutes and organizational structures for water pollution control should be reviewed and strengthened or revised where necessary. The following revisions were proposed in the suggested 1950 State Water Pollution Control Act as a guide for State legislation in this field. The proposals were:

(a) Vest comprehensive authority in the State water pollution control agency, which would be given independent status in its organizational placement in State government;

(b) Insure construction of municipal treatment facilities ordered by the State agency by authorizing courts to direct all necessary steps, including bond issues, tax levies, and revenue charges if required;

(c) Authorize the establishment of sanitary districts to deal with local pollution control problems beyond municipal limits.

Panel III did not arrive at an agreement on these proposals.

11. The Federal Government has clear responsibilities in its working relationships with State and local governments with respect to: research, leadership in personnel training, regulatory procedures, water resources inventories and investigations, and standards of water quality.

No agreement was reached among the conferees as to extension of authority of the Federal Government in the area of water pollution control.

12. That appropriate public and private agencies mount and sustain an expanded program of public information to the end that enlightened public opinion can be brought to bear on the accomplishments, costs, needs, opportunities, and problems involved in water quality management, noting that this conference should provide a dramatic opportunity to launch such a program.

13. There was general agreement that the public needs more information on pollution and its abatement. Government agencies and other informed individuals should make every effort to present the facts in understandable form for use by individuals, organizations, and the general media of communication. Such material should include factual information and suggested methods of attack as have been discussed by the conference.

14. The Federal grants-in-aid program has provided a valuable stimulus to the control of stream pollution. Other methods of financing construction of sewage and waste treatment works deserve thorough study and investigation to determine the most appropriate means available or which might be made available for sound and equitable allocation of costs. Several other means of financing were suggested in one or two papers presented at the conference. The view of the Panel Subcommittee was that these should be listed and appraised without any commitment on the part of the subcommittee as to which, if any, should be recommended. It did suggest that these and others unnamed should be explored at some subsequent time:

(a) Incentive grants from Federal and State appropriations;

(b) Guaranteed bonds;

(c) Revenue bonds;

(d) Marketing long-term revenue bonds under a Federal system of guarantees such as FHA-guaranteed mortgages or loans for defense production purposes;

(e) The creation of "Water RFC" or such Federal finance agency to discount, purchase or collateralize such bonds for loan purposes; and

(f) The earmarking of specific taxes, notably from Federal licensing of pleasure

boats and sale of fuel to all water-borne craft, for water pollution control purposes.

15. The construction of municipal waste treatment facilities should be expanded immediately with continued increases to keep up with population growth and to abate the backlog of pollution by 1970. A similar program expansion should be applied to the wastes from industry.

16. That financial incentive should be provided to encourage industry to install needed waste treatment facilities. This may be accomplished by permitting industry, for corporate income tax purposes, to charge the cost of nonproductive waste water treatment facilities as expense.

17. Each Federal installation should be required by Congress to treat its wastes in accordance with the standards for cities and industries in the area, with 1964 set as the target date for providing minimum treatment.

18. Enlargement and extension should be made of the water quality monitoring programs now in effect, so as to reveal more adequately conditions, existing and future, in rivers and streams. We believe that the protection of the public health and the preservation of water supply sources for accepted beneficial uses require such extension and enlargement.

19. In order to facilitate assessment of the total pollution problem, it is recommended that particular attention be given to accelerating the collection of information on industrial waste loading. The Public Health Service should coordinate collection of this information on the national level.

20. States should develop water monitoring programs for bacteriological, biological, chemical, physical and radiological quality. This work should be coordinated with the efforts of an expanded National Water Quality Network of the Public Health Service. More data should be collected on the condition of streams both before and after water pollution abatement.

21. Provision should be made within the Public Health Service for developing the water quality criteria which are suited to application on a national basis. However, many water quality criteria are not uniformly applicable because of the effects of area usage differences, stream characteristics and other factors. State and local determinations of some criteria also will have to be made. It is recognized that periodic revision of these criteria not only will be in order, but should be sought, as new data are made available.

22. That the Public Health Service assume leadership, in collaboration with other public and private agencies, in collecting, compiling, and publishing pertinent data on the toxicity of water contaminants. This should include criteria, standards, methods of testing, and safe allowable concentrations for human consumption; also that efforts be made to stimulate toxicological and epidemiological studies to be made to determine long- and short-range effects.

23. The total national support for research in water supply and water pollution control should be increased substantially.

24. The flow of research findings on the water environment must be increased and intensified in depth as well as breadth.

25. That improved methods be developed for measuring pollution abatement progress. New engineering parameters which encompass all pollution components, as well as yardsticks for measurement of stream quality, are critically needed.

26. It should be regarded as an obligation on the part of industry to undertake basic research which will determine the biotic and other effects influencing the public welfare of the products they distribute. This should apply to detergents, insecticides, pesticides, herbicides, fertilizers, and other microchem-

icals and microbiologicals, and to the effects of metallic wastes such as compounds of chromium and cyanide. Where the effects of these or other health hazards or potential public nuisances are not adequately treated within industry, the Federal Government or the States must provide for and budget such research. Additional research of peculiar public responsibility includes the effect and interpretation of reducing anaerobes, nitrifying bacteria, viruses, protozoa, and other biota, and radiation hazards.

27. The flow of engineers and scientists who are competent to advance and administer the scientific, technological, and economic conservation of our water resources, including, in particular, the control of water pollution, must be increased promptly by recruitment and training of basically qualified personnel at two levels: (a) the professional or predoctorate level; and (b) the postdoctorate level.

28. The field of water supply and pollution control has become so complex that we must think more generally than in the past of a multidisciplinary approach to the solution of developing problems. This implies the introduction of representatives of many disciplines including economists and political scientists, as well as applied mathematicians and physicists to this field and the creation of requisite institutes or centers for environmental health research at which needed personnel can be brought together.

29. The capability of graduate schools or university departments of engineering and public health to produce a sufficient number of engineers and scientists who are able to deal effectively with the mounting problems of water resource control must be enlarged by support of staff, student body, and teaching and research facilities, as well as by grants-in-aid of research. Interdisciplinary research should be encouraged in particular. Because the use of personnel and the application of research lie in the public domain, the Federal Government must be expected to assume a substantial portion of the required financial burden.

30. The flow of treatment-plant operating personnel as well as engineers and scientists working in the wider field of water supply and water pollution control must be increased and their training broadened.

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CONFERENCE STEERING COMMITTEE

This group was composed of highly qualified individuals representing municipal, State, interstate, industrial, civic, labor and women's organizations, and other citizens' groups having an interest in the water pollution problem.

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American Public Health Association, Dwight F. Metzler.

American Society of Civil Engineers, Edward J. Cleary.

American Water Works Association, Morrison B. Cunningham.

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WATER POLLUTION CONTROL ADVISORY BOARD

These outstanding public officials and leading business executives who are appointed by the President have been requested by the Surgeon General to assist in implementing the Conference recommendations as they apply to the Public Health Service.

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Warrick, Louis F., executive secretary, National Technical Task Committee on Industrial Wastes, Washington, D.C.

Watson, Kenneth S., consultant, water management and water control, General Electric Co., Schenectady, N.Y.

Weber, Eugene W., Special Assistant to the Director of Civil Works, Office of the Chief of Engineers, Department of the Army, Washington, D.C.

White, Dr. Gilbert F., professor of geography, University of Chicago, Chicago, Ill.

Whitefield, J. V., chairman, State Stream Sanitation Committee, North Carolina Department of Water Resources, Raleigh, N.C.

Whittemore, Mrs. Arthur E., chairman, water resources committee and director, League of Women Voters of the United States, Hingham, Mass.

Wilson, Chester S., attorney, formerly commissioner, Minnesota State Department of Conservation, Stillwater, Minn.

Wise, William S., director, Connecticut State Water Resources Commission, Hartford, Conn.; member, Water Pollution Control Advisory Board.

Wolman, Dr. Abel, professor of sanitary engineering, the Johns Hopkins University, Baltimore, Md.

Woodruff, James W., Jr., chairman, U.S. Study Commission, Southeast River Basins, Atlanta, Ga.

Wormser, Felix E., consulting mining engineer, Greenwich, Conn.

Z

Zapp, Dr. John A., director, Haskell Laboratory, E. I. du Pont de Nemours, Newark, Del.

Zimmerman, Gordon K., executive secretary, National Association of Soil Conservation Districts, Washington, D.C.

Mr. SCHWENGEL. Mr. Speaker, today we are considering H.R. 6441, a bill to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control.

That title to this act is appropriate and if it actually would do what the title indicates no one could really conscientiously oppose this bill, if he really served the public interest.

But I, as a Congressman, would be remiss in my duty if I did not take the time to point out some shortcomings that seem very evident to me and to many others who have a vital interest in this question.

In House Report No. 306, 87th Congress, 1st session, a report of the Committee on Public Works in the House of Representatives, page 2, under the title, "Purpose of the Bill," it reads:

The purpose of H.R. 6441 is to extend and strengthen the Federal water pollution control program and to assist the States and local communities in providing for more effective programs of water pollution control at all levels of government.

Here again, if this were a true statement and could be sustained by actual facts, one could not conscientiously oppose this bill. But the facts, when considered in the light of reason and commonsense, do not bear out what the objective states is or will be attained.

First of all, as has been pointed out many times by the gentleman from Florida [Mr. CRAMER], the bill completely bypasses the States which the sponsors of the bill claim they want to assist. If bypassing States is assisting them, then I totally misunderstand the meaning of assist.

Also, I can assure the membership of the House, as I have assured the mem-

bers of the committee, that there is much talent in the State health departments, conservation commissions, and other groups that could be harnessed if we would provide the proper atmosphere and leadership.

In addition to this, there are virtually thousands of people in our educational institutions and in industry who have dealt with municipalities and institutions that have pollution problems who would be very glad to help by giving public bodies valuable assistance based upon experience and study in solving these problems. But in this bill they do not have the opportunity to help as much as they could if given a chance.

In this instance, I believe it should be a committee at the national level composed of representatives of various municipalities, States, and businesses who would have authority to coordinate these studies, and to promote cooperative research projects and to make recommendations to the Federal Government, the States, municipalities, industries, and all who have a vital interest in resolving this terrible pollution problem that needs abatement at a very early date if we are to preserve the great natural resources that relate to the proper handling of water in this country.

Mr. Speaker, as we consider this important legislation and the total problem of pollution, it is my very deep conviction that the goal of pollution abatement is and should be first of all to protect and enhance the capacity of the water resources so that they may serve the widest possible range of human needs.

I am convinced, too, that this goal can be approached and achieved only by accepting the positive policy of keeping waters as clean as it is possible to keep them. I am convinced, too, that we should oppose the negative policy of attempting to use our waters anywhere to the full capacity of water for waste assimilation.

In addition, we here in Congress and those who are interested in water conservation, should adopt some kind of a national credo that is consistent with the goals we want to attain for ourselves and for posterity. In my opinion, that credo should embody the following thoughts:

First. That users of water have no inherent right to pollute our public streams or waters anywhere.

Second. That users of public waters—waters which belong to all of us—have a responsibility for returning them as clean as it is technically possible to do so.

Third. The credo should include prevention programs for in most instances prevention is just as important as is the control of pollution.

Mr. Speaker, there is need for a more systematic and intelligent approach to the evaluation of the water pollution problem. That approach should include the consideration of the health, esthetic, and market values. A framework for analysis must be developed which will provide a relatively precise understanding of benefit cost and which will form the basis for the design of public policies and programs for effective water quality management.

Planning for the comprehensive development of each major basin or water resource area should be established as a fixed national policy. By comprehensive development we mean the application of integrated multiple-purpose design, planning and management which include the joint consideration of ground and surface waters, systematic conservation by water users, and the treatment and management of waters having substandard quality. Consideration of every appropriate technique would be a routine part of planning for such development.

Such planning, insofar as feasible, should include consideration of all important industrial plant sites. An early and important objective should be a systematic program of flow regulation. State initiative toward comprehensive planning should be encouraged, and participation by all major interest should be encouraged. The objective should be one of eventually producing maximum total benefits from all economic and social uses.

Provision should be made, legally and financially, for the identification and acquisition at an early date of reservoir sites needed in the execution of comprehensive plans. The mounting population, the spread of settlement, and general intensification of valley land use otherwise may make many good sites totally unavailable or prohibitively costly.

The value of soil conservation, sediment control, and salinity control as pollution abatement measures should be recognized through planning and budget in our National, State, and local resource development programs. They should be considered as tools to be applied in water development and management. Pollution abatement is a problem with roots in rural land use and agronomy, as well as in urban congestion and industrial growth.

Mr. Speaker, it is important that public policy formally recognize the recreation value of our water resources as a full partner with domestic, industrial, and agricultural values in water quality management policies and programs.

Administration of water pollution control programs on State and interstate streams should continue to be the responsibility of the State agencies which therefore must be supported by adequate budgets and staffed by competent directors, engineers, scientists, and related professional personnel. It is essential that State legislatures appraise more realistically their opportunities and responsibilities in carrying out the principle herein stated and are urged to take appropriate action where necessary.

Mr. Speaker, if the Congress would make it their business to create a committee with proper authority to make an appeal to and enlist the help of Governors, State legislators, directors of conservation and health programs in the State, and representatives of various interest groups with authority to institute cooperative research and study programs, they would get much more support from the people everywhere, from the municipalities and from the States where the need for increased interest is greatest.

We in this body have an experience that we can point to with pride and which can serve as a model for this type of thing in this area. It is the ASSHO tests that we have conducted for the past several years and which have been so very successful in finding answers to the many problems that have presented themselves in the general area of building roads and highways.

The administrative level of the water supply and water pollution control activities in the Public Health Service and in the States should be commensurate with the importance of this problem.

That State statutes and organizational structures for water pollution control should be reviewed and strengthened or revised where necessary. The following revisions were proposed in the suggested 1950 State Water Pollution Control Act as a guide for State legislation in this field.

These recommendations, too, would be easier if we had a program as I have already mentioned. Also, the following recommendations which are consistent with the recommendations of the conference to which I have already referred, would be much easier to institute and become effective. They are:

First. Vest comprehensive authority in the State water pollution control agency, which would be given independent status in its organizational placement in State government;

Second. Insure construction of municipal treatment facilities ordered by the State agency by authorizing courts to direct all necessary steps, including bond issues, tax levies, and revenue charges if required;

Third. Authorize the establishment of sanitary districts to deal with local pollution control problems beyond municipal limits.

I reiterate, the Federal Government has clear responsibilities in its working relationship with State and local governments with respect to: research, leadership in personnel training, regulatory procedures, water resources inventories and investigations, and standards of water quality.

No agreement was reached among the conferees as to extension of authority of the Federal Government in the area of water pollution control.

That appropriate public and private agencies mount and sustain an expanded program of public information to the end that enlightened public opinion can be brought to bear on the accomplishments, costs, needs, opportunities, and problems involved in water quality management, noting that this conference should provide a dramatic opportunity to launch such a program.

There was general agreement that the public needs more information on pollution and its abatement. Government agencies and other informed individuals should make every effort to present the facts in understandable form for use by individuals, organizations, and the general media of communication. Such material should include factual information and suggested methods of attack as have been discussed by the conference.

The Federal grants-in-aid program has provided a valuable stimulus to the

control of stream pollution. Other methods of financing construction of sewage and waste treatment works deserve thorough study and investigation to determine the most appropriate means available or which might be made available for sound and equitable allocation of costs. Several other means of financing were suggested in one or two papers presented at the conference. The view of the panel subcommittee was that these should be listed and appraised without any commitment on the part of the subcommittee as to which, if any, should be recommended. It did suggest that these and others unnamed should be explored at some subsequent time:

First. Incentive grants from Federal and State appropriations;

Second. Guaranteed bonds;

Third. Revenue bonds;

Fourth. Marketing long-term revenue bonds under a Federal system of guarantees such as FHA-guaranteed mortgages or loans for defense production purposes;

Fifth. The creation of "Water RFC" or such Federal finance agency to discount, purchase or collateralize such bonds for loan purposes; and

Sixth. The earmarking of specific taxes, notably from Federal licensing of pleasure boats and sale of fuel to all water-borne craft, for water pollution control purposes.

The construction of municipal waste treatment facilities should be expanded immediately with continued increases to keep up with population growth and to abate the backlog of pollution by 1970. A similar program expansion should be applied to the wastes from industry.

That financial incentive should be provided to encourage industry to install needed waste treatment facilities. This may be accomplished by permitting industry, for corporate income tax purposes, to charge the cost of non-productive waste water treatment facilities as expense.

Each Federal installation should be required by Congress to treat its wastes in accordance with the standards for cities and industries in the area, with 1964 set as the target date for providing minimum treatment.

Enlargement and extension should be made of the water quality monitoring programs now in effect, so as to reveal more adequately conditions, existing and future, in rivers and streams. We believe that the protection of the public health and the preservation of water supply sources for accepted beneficial uses require such extension and enlargement.

In order to facilitate assessment of the total pollution problem, it is recommended that particular attention be given to accelerating the collection of information on industrial waste loading. The Public Health Service should coordinate collection of this information on the national level.

States should develop water monitoring programs for bacteriological, biological, chemical, physical, and radiological quality. This work should be coordinated with the efforts of an expanded National Water Quality Network of the Public Health Service. More data should be collected on the condition of streams,

both before and after water pollution abatement.

Provision should be made within the Public Health Service for developing the water quality criteria which are suited to application on a national basis. However, many water quality criteria are not uniformly applicable because of the effects of area usage differences, stream characteristics, and other factors. State and local determinations of some criteria also will have to be made. It is recognized that periodic revision of these criteria not only will be in order, but should be sought, as new data are made available.

That the Public Health Service assume leadership, in collaboration with other public and private agencies, in collecting, compiling, and publishing pertinent data on the toxicity of water contaminants. This should include criteria, standards, methods of testing, and safe allowable concentrations for human consumption; also that efforts be made to stimulate toxicological and epidemiological studies to be made to determine long- and short-range effects.

The total national support for research in water supply and water pollution control should be increased substantially.

The flow of research findings on the water environment must be increased and intensified in depth as well as breadth.

That improved methods be developed for measuring pollution abatement progress. New engineering parameters which encompass all pollution components, as well as yardsticks for measurement of stream quality, are critically needed.

It should be regarded as an obligation on the part of industry to undertake basic research which will determine the biotic and other effects influencing the public welfare of the products they distribute. This should apply to detergents, insecticides, pesticides, herbicides, fertilizers, and other microchemicals and microbiologicals, and to the effects of metallic wastes such as compounds of chromium and cyanide. Where the effects of these or other health hazards or potential public nuisances are not adequately treated within industry, the Federal Government or the States must provide for and budget such research. Additional research of peculiar public responsibility includes the effect and interpretation of reducing anaerobes, nitrifying bacteria, viruses, protozoa, and other biota, and radiation hazards.

The flow of engineers and scientists who are competent to advance and administer the scientific, technological, and economic conservation of our water resources, including, in particular, the control of water pollution, must be increased promptly by recruitment and training of basically qualified personnel at two levels: First, the professional or predoctorate level; and second, the postdoctorate level.

The field of water supply and pollution control has become so complex that we must think more generally than in the past of a multidisciplinary approach to the solution of developing problems. This implies the introduction of repre-

sentatives of many disciplines including economists and political scientists, as well as applied mathematicians and physicists to this field and the creation of requisite institutes or centers for environmental health research at which needed personnel can be brought together.

The capability of graduate schools or university departments of engineering and public health to produce a sufficient number of engineers and scientists who are able to deal effectively with the mounting problems of water resource control must be enlarged by support of staff, student body, and teaching and research facilities, as well as by grants-in-aid of research. Interdisciplinary research should be encouraged in particular. Because the use of personnel and the application of research lie in the public domain, the Federal Government must be expected to assume a substantial portion of the required financial burden.

The flow of treatment-plant operating personnel, as well as engineers and scientists working in the wider field of water-supply and water-pollution control, must be increased and their training broadened.

Mr. Speaker, I will vote for this legislation, but with the understanding that it is insufficient, inadequate, and incomplete, and in the hope that we will consider it only a beginning in working toward the solution of the grave problem that presents itself.

It is my hope that the Members of the Congress and people outside of Congress who are interested will watch closely the results of this program and continue to make their recommendations and in various ways have their influence felt to bring about an early reconsideration of this total problem so that we can finally come to grips with it in a more intelligent, realistic, and practical manner.

Mr. Speaker, I will support this bill but with the realization that it is not adequate and that it has many shortcomings that a thorough study and consideration of this matter would bring out. In my opinion, it is not a completely intelligent approach to the solution of the problem of pollution, but I hope that it will do some good while we are learning from experience and we will benefit from the mistakes that will become evident, I think, as time goes on.

Mr. EDMONDSON. Mr. Speaker, this bill represents a great forward step by the Congress in one of the most important fields on which we will legislate this year—the field of water pollution control.

I want to compliment the distinguished chairman of our subcommittee, the gentleman from Minnesota, Congressman JOHN BLATNIK, for his great leadership in connection with this legislation.

I strongly urge the adoption of the conference report.

Mr. BLATNIK. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD, on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

RESIGNATION

The SPEAKER laid before the House the following resignation:

JULY 13, 1961.

HON. SAM RAYBURN,
The Speaker,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the U.S. Civil War Centennial Commission to take effect forthwith.

I take this opportunity to express to you my deep appreciation of the appointment. I have enjoyed serving as a member of the Commission.

My normal duties and responsibilities are increasing to such an extent as to make it impracticable for me to devote such time to the Commission as is required.

With assurances of my highest esteem and cordial good wishes, I am,

Very respectfully yours,

WM. M. TUCK.

EMERGENCY LIVESTOCK LOANS

Mr. KING of Utah. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1710) to amend the act of April 6, 1949, as amended, so as to authorize the Secretary of Agriculture to make emergency livestock loans under such act until December 31, 1961, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(c) of the Act of April 6, 1949, as amended (12 U.S.C. 1148a-2(c)), is amended by striking out at the beginning of the first sentence, "For a period of four years from the effective date of this subsection", and inserting in lieu thereof, "Until December 31, 1961."

(b) Section 2(c) of such Act is further amended by striking out in the second sentence thereof "July 14, 1961", and inserting in lieu thereof "December 31, 1961".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUSPENSION OF DUTIES ON METAL SCRAP AND HORSEMEAT

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4591) to continue until the close of June 30, 1962, the suspension of duties on metal scrap, and for other purposes, with amend-

ments of the Senate thereto and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 2, line 3, strike out "This" and insert "The first section of this".

Page 2, line 3, after "shall" insert "not".

Page 2, after line 4, insert:

Sec. 3. (a) Section 201 of the Tariff Act of 1930, as amended (19 U.S.C., sec. 1201), is amended by adding at the end thereof the following new paragraph:

"PAR. 1826. Horsemeat, fresh, chilled, or frozen, whether or not decharacterized (except horsemeat packed in immediate containers weighing with their contents less than ten pounds each)."

(b) The amendments made by this section shall apply to articles entered, or withdrawn from warehouse, for consumption, on or after the date of enactment of this Act, and to articles covered by entries or withdrawals which have not been liquidated or the liquidation of which has not become final on such date of enactment.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this the bill that deals with horsemeat?

Mr. MILLS. The bill that passed the House dealt with scrap metal. While the bill was in the other body, one of the distinguished Members of that body from the State of Kansas offered an amendment that placed on the free list imported horsemeat. The finance committee of that body and the other body unanimously agreed to the amendment, having been persuaded by the author to believe that there was an ever-increasing demand in this country for horsemeat for use in connection with the manufacture of food for pets, and an ever-decreasing supply in this country of horsemeat.

Mr. GROSS. Can the gentleman tell use where this horsemeat is going to come from, that is, the major share of it?

Mr. MILLS. It is the chairmen's understanding that the meat would come from Argentina and Mexico.

Mr. GROSS. But none from Russia?

Mr. MILLS. No.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CERTIFICATION BY FAA OF FLIGHT ATTENDANTS

(Mr. MACK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MACK. Mr. Speaker, I have introduced a bill to require certification by the Federal Aviation Agency of flight attendants, such as stewards and stewardesses, employed by the airlines of the United States.

Flight attendants have never been required to meet a standard of proficiency in the operation of safety and emergency equipment and in the conduct of emergency procedures for evacuation of passengers.

The airlines themselves have varying standards for these employees, depending on what the individual airline considers adequate training. I believe that air travelers should have the assurance that every member-on the crew of every airline has been adequately trained to meet their responsibilities in an emergency.

My bill would amend the Federal Aviation Act of 1958 to include flight attendants within the definition of "airman," thereby making them subject to certification and regulation by the FAA.

I have no hesitancy in urging the House to support this measure as one that is necessary for the further protection of the air traveling public.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS NEXT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ADJOURNMENT OVER UNTIL MONDAY NEXT

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FOREIGN POLICY APPEASEMENT

The SPEAKER. Under previous order of the House, the gentleman from Washington [Mr. PELL] is recognized for 15 minutes.

Mr. PELL. Mr. Speaker, I am deeply concerned with regard to numerous incidents of appeasement in our foreign policy.

Recently I wrote a letter to Secretary of Commerce Luther Hodges, requesting that I be furnished the names of American firms seeking export licenses permitting sale of our surplus farm products to Russia and other Communist nations, as authorized by a new Department of Commerce directive.

While my request has not as yet been formally acknowledged, I do know the nature of the reply I shall receive. When Secretary Hodges appeared before the House Merchant Marine and Fisheries Committee on July 11, an opportunity was presented for me to personally ask about the matter, and the Secretary stated that the decision had been made not to disclose the names of any such firms doing business with the Kremlin.

In further response to my question, the Secretary stated that the commodities and material being exported and the destination of these cargoes would be provided, but the names of the American exporters are classified and therefore are not available to the public.

Frankly, this statement from the Secretary of Commerce came as no surprise. It will be recalled that earlier this year, in my own city of Seattle, Wash., our distinguished colleague, Congressman Moss, announced with great fanfare that the names of all firms dealing with the Communists were to be announced. Congressman Moss, chairman of the Subcommittee on Government Information, stated that Secretary Hodges had informed him:

In the future the public can find out the names of every firm granted export licenses, what is being shipped aboard, and the destination of the shipments.

As added confirmation, a few days later White House Press Secretary Pierre Salinger, on April 18, in a letter addressed to Mr. Eugene Pullian, Jr., managing editor of the Indianapolis News, stated without equivocation:

Commerce Secretary Hodges has disclosed he is planning to reverse a 20-year-old secrecy policy on identity of firms granted export licenses.

Mr. Salinger went on to say:

This was positive evidence of the President's attitude on information.

Time passed. The Secretary hedged on issuing the formal order lifting the secrecy ban. On being pressed, the Commerce Department finally announced that the Secretary was only "tentatively considering" the advisability of making the information public, and now we have the decision which classifies as secret the names of such firms who deal with the Reds.

President Kennedy has made much about the need for sacrifice. In this connection, I would like to ask my colleagues if they do not consider trading with our avowed and mortal enemy a form of economic subversion. I submit that these firms would not do business if it were not profitable. Certainly the Communists would not do business unless they needed the materials, machinery, and food. Can the American taxpayers be expected to shell out ever-increasing taxes to support foreign aid, Peace Corps, USIA, and a host of expensive programs needed to combat communism when U.S. firms are actively trading with these same Communists?

Let us consider this subject of food for a moment. Are we so naive as to believe that agricultural commodities are not strategic materials? By what strange logic then, does the Department of Commerce justify its new directive, which permits the exporting of agricultural products, as nonstrategic materials, to the Communist countries of Eastern Europe? Ask the military leaders of any age what an army travels on. There is just one answer—its stomach.

Today every Iron Curtain country is having trouble feeding its populace. Hungry men are not efficient on a pro-

11. TEXTILES. Sen. Muskie supported S. 1735, the proposed Orderly Marketing Act of 1961, saying, "One of the industries most seriously affected by low-wage imports has been the textile industry," and inserting a letter supporting his bill. pp. 11666-7
12. WATER POLLUTION. Agreed to the conference report on H. R. 6441, to provide for a more effective program of water pollution control. This bill will now be sent to the President. pp. 11671-3
13. TARIFFS. Passed as reported H. R. 6611, to reduce temporarily the exemption from duty enjoyed by returning residents. pp. 11681-2, 11714
14. YOUTH CONSERVATION CORPS. Sen. Humphrey inserted two articles, supporting the Youth Conservation Corps, "The CCC Is Worth Reviving," and "CCC Camps Made Lasting Contribution to Berkshires." pp. 11682-3
15. PEACE CORPS. Sen. Humphrey inserted an address by Robert S. Shriver, Jr., at the University of Notre Dame commencement. pp. 11683-6
Received from the Wisconsin Better Government Committee a resolution protesting against the enactment of the Peace Corps bill. p. 11637
16. HORSEMEAT. Sen. Williams, N. J., inserted an article, "Horsemeat -- For Them That Likes It -- As for One Veteran of German Prison Fare, Please Count Him Out." p. 11711
17. PERSONNEL. As reported (see Digest 115), S. 1070, to amend the Federal Employees' Group Life Insurance Act of 1954 so as to provide for an additional unit of life insurance, provides each insured employee with an additional unit of nonreducible life insurance (not subject to reduction after retirement at age 65) of \$1,000 if his compensation is less than \$10,000, or \$2,000 if his compensation is \$10,000 or more. The premium on the additional insurance will be the same as that on present insurance and will be shared by the Government and the employee (12½ cents for the Government and 25 cents for the employee per biweekly pay period for each \$1,000 additional insurance.) Also, the bill authorizes life insurance coverage to reemployed annuitants who are appointed on a permanent basis or for a definite term not of a temporary nature.
18. ADJOURNED until Mon., July 17. p. 11721

ITEMS IN APPENDIX

19. ST. LAWRENCE SEAWAY. Extension of remarks of Sen. Wiley inserting an article describing the 1961 expansion of the St. Lawrence Seaway traffic. p. A5305
20. RECLAMATION. Extension of remarks of Sen. Hayden inserting an article, "Reclamation's Economic Impact," and stating that it "outlines very graphically the progress a reclamation project induces ..." pp. A5308-9
21. FARM PROGRAM. Extension of remarks of Sen. Kefauver inserting an address by Edward Jones, former commissioner of agriculture for Tenn., describing the contributions being made to our country by the American farmer. pp. A5318-9
22. APPROPRIATIONS; ATOMIC ENERGY. Speech in the House by Rep. Moss during debate on the atomic energy authorization bill. pp. A5319-20

23. EXPENDITURES. Extension of remarks of Sen. McCarthy inserting an article, "Power on the Potomac," and stating that "it thoughtfully discusses the relationship between the Federal, State, and local governments." pp. A5323-4
24. WATER RESOURCES. Extension of remarks of Sen. Wiley commending and inserting an address before the Rivers and Harbors Congress, "Water Resources Development and Our National Future." pp. A5329-30
25. FOREIGN TRADE. Extension of remarks of Sen. Humphrey inserting an article, "Why United States Has Lost Export Sales." p. A5330

BILLS INTRODUCED

26. MONOPOLIES. S. 2252, by Sen. Kefauver (for himself and Sen. Carroll), to amend the Sherman Act by increasing the penalties for the violation thereof; to Judiciary Committee.
S. 2253, by Sen. Kefauver (for himself, Sen. Carroll and Sen. Hart), to provide penalties for certain violations of section 1 of the Sherman Act; to Judiciary Committee.
S. 2254, by Sen. Kefauver (for himself and Sen. Carroll), to amend the Clayton Act, as amended, to supplement the antitrust laws with respect to the liability of the directors, officers and agents of a corporation, to increase the penalties for violations of the antitrust laws; to Judiciary Committee.
S. 2255, by Sen. Kefauver (for himself and Sen. Hart), to supplement the antitrust laws with respect to procurement by Government agencies on sealed bids; to Judiciary Committee.
27. NATURAL RESOURCES. S. 2246, by Sen. Anderson, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a Water Resources Council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning; to Interior and Insular Affairs Committee. Remarks of author. p. 11641

PRINTED HEARINGS RECEIVED IN THIS OFFICE

28. CONFLICT OF INTEREST. H. R. 302, H. R. 3050, H. R. 3411, H. R. 3412, and H. R. 7139, bills designed to strengthen the Federal conflict of interest legislation. H. Judiciary Committee.
29. FARM LOANS. S. 1927, Farm loan system regulated by the Farm Credit Administration. S. Agriculture and Forestry Committee.
30. PERSONNEL. S. 349, to provide readjustment assistant to post-Korean veterans. S. Labor and Public Welfare Committee.
31. TRANSPORTATION. H. R. 2429, willful destruction of property moving in interstate commerce, and H. R. 5596, amending parts 2 and 4 of the Interstate Commerce Act re reparation. H. Interstate and Foreign Commerce Committee.
32. CULTURAL EXCHANGES. H. R. 3782, Inter-American cultural and scientific interchange program. H. Foreign Affairs Committee.
33. TARIFF. H. R. 6611, duty-free allowance of returning residents. S. Finance Committee.

Montana, east of the divide had been severed from Dakota Territory in 1863, when the Territory of Idaho was formed. A year later Montana Territory was created, including the territory taken from Dakota and the present area west of the divide which had previously been in Oregon and Washington Territories.

Both the Dakotas got their centennial celebrations underway in early spring and the festivities will continue into September.

Today, July 9, military units from North and South Dakota will participate in an observance in South Dakota's Forest Sisseton State Park.

Two outdoor dramas are being staged through the summer in North Dakota. "Old Four Eyes," the story of Theodore Roosevelt's life as rancher in the North Dakota badlands in the 1880's is being presented four times weekly until September 4 at a natural outdoor theater near Medora, not far from the Montana line on U.S. Highway No. 10.

"Trail West" the story of General Custer and his trek that ended in death in Montana, is being presented five times a week in Fort Lincoln State Park south of Mandan.

South Dakota has centennial jubilees scheduled at Armour, today through July 11; Isabel, August 5 and 6, and White River, August 18, 19. The most ebullient event, however, will be Gold Rush Day August 27 near Huron, where spectators will dig for more than \$35,000 in cash and merchandise buried in the ground.

In addition both States have had and will be having numerous concerts, rodeos, and local celebrations in honor of the territorial centennial.

Mr. CASE of South Dakota. Mr. President, will the Senator from Montana yield briefly?

Mr. MANSFIELD. I am delighted to yield.

Mr. CASE of South Dakota. I merely wish to say that those of us who live in the Dakotas appreciate the generous recognition by the distinguished majority leader of the Dakota centennial. This summer we are having a series of observances in the Dakotas; and I wish to join the Senator from Montana in suggesting that any Senators or others who may be traveling west during the summer or fall will find these events most worth while. One or more of them can be enjoyed by visitors at any given time; and all will be most welcome.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1961— CONFERENCE REPORT

Mr. KERR. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6441) to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of July 6, 1961, pp. 11137-11139, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KERR. Mr. President, I request the adoption of the report.

I ask unanimous consent to have printed at this point in the RECORD a brief statement in explanation of the action taken by the conference committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KERR

The report is signed by a majority of the conferees on the part of the House and the Senate, and the report has been accepted by the House of Representatives.

The Senate amendment strikes out all of the House bill after the enacting clause and inserts a substitute. The House receded from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The major differences between the House bill and the substitute agreed to in conference are noted in the following statement.

FIRST SECTION

The House bill amended subsection (b) of the first section of the Federal Water Pollution Control Act to strike out the specific reference to boundary waters of States and added a clause stating that nothing in the Federal Water Pollution Control Act should be construed as impairing or affecting the power authority and jurisdiction of the States to enforce State water pollution control laws and regulations. The Senate bill made no such amendment.

The conference substitute does not make these amendments to existing law.

SECTION 2

The Senate amendment amended section 2 of the Federal Water Pollution Control Act to add a new subsection (b) which would grant authority to Federal agencies to include capacity in reservoirs for water quality control. This capacity is not to be a substitute for adequate treatment of sewage. A determination would be made of the benefits of such capacity and an appropriate share of the cost allocated to this purpose. Beneficiaries would be determined and if the benefits are widespread or national in scope, the costs of such capacity would be nonreimbursable.

The House bill did not contain such a provision.

The conference substitute adopts the amendment of the Senate.

SECTION 3 (a)

The House bill amended section 4(a)(4) of the Federal Water Pollution Control Act to remove the limitation that not more than \$100,000 could be used to establish and maintain research fellowships.

The Senate amendment did not remove this limitation.

The conference substitute would remove this dollar limitation but would require an annual report by the Secretary to the appropriate committees of Congress on his operations under that provision of law.

SECTION 3 (b)

The Senate amendment added a new subsection (d) to section 4 of the Federal Water Pollution Control Act. This new subsection would require the development and demonstration by the Secretary of (1) practicable means of treating sewage and other wastes to remove the maximum amounts of pollutants in order to maintain the Nation's water at a quality suitable for repeated reuse, (2) improved methods of identifying and measuring pollutants, and (3) methods for evaluating the effects of

augmented streamflows to control pollution not otherwise susceptible to abatement. An authorization for these purposes of not to exceed \$5 million per fiscal year with a total limitation of \$25 million is also provided by the amendment.

The House bill contained no such provision.

The conference substitute is identical to the Senate amendment.

The Senate bill amended section 4(a) of the Federal Water Pollution Control Act by providing for the establishment of research and field demonstration facilities with an authorization for the appropriation of not more than \$10 million. This amendment was deleted because it was concluded that sufficient authority for such facilities were contained in subsection (e) of section 4 of the Senate bill and subsection (d) of section 4 of the House bill. These subsections would authorize the establishment and maintenance of field laboratory and research facilities, including, but not limited to, one in the Northeast area, one in the Middle Atlantic area, one in the Southeast area, one in the Midwest area, one in the Southwest area, one in the Pacific Northwest, and one in Alaska.

The House bill amended section 4 by adding a subsection calling for research and technical development work, and make studies, with respect to the quality of waters of the Great Lakes, including an analysis of water quality under varying conditions of waste treatment and disposal. The Senate bill contained no such provision. The conference substitute is identical to the House amendment.

SECTION 4

The House bill increased grants to States and interstate water pollution control agencies for the operation of their programs from \$3 million to \$5 million and extended the authorizations through June 30, 1971.

The Senate amendment is the same as the House bill in this respect except that the authorization is extended only through June 30, 1966.

The conference substitute is the same as the House bill except that the authorization is extended only through June 30, 1968.

SECTION 5

The House bill amended subsection (b) of section 6 of the Federal Water Pollution Control Act to provide that no construction grant shall be made for any project in an amount exceeding whichever of the following is smaller (1) \$800,000, or (2) the total of 30 percent of the first \$1 million of the reasonable cost of the project as determined by the Secretary, plus 15 percent of the next \$2 million of such cost, plus 10 percent of the remainder of such cost.

The Senate bill amended the same provision of law as the House bill to provide that no grant shall be made for any project in an amount exceeding 30 percent of the estimated reasonable cost thereof, or in an amount exceeding \$500,000, whichever is smaller.

The conference substitute is the same as the Senate amendment with exception that the amount of \$500,000 is increased to \$600,000, and the multiproject limitation of \$2,400,000, as contained in the House bill, was retained.

SECTION 5 (b)

The House bill amended subsection (b) of section 6 of the Federal Water Pollution Control Act to provide no grant should be made for any project under that section in an amount exceeding \$250,000 until a grant had been made for each project (1) for which an application was filed with the appropriate State water pollution control agency prior to the date of enactment of amendment and (2) which meets the requirements of the section and regulations thereunder as in

effect prior to such date of enactment. The Senate bill contained a similar provision.

The conference substitute is the same as the House bill with the exception that the priority given by this amendment has been extended to all those smaller projects for which applications are filed before 1 year after the date of enactment of this amendment.

SECTION 5 (C)

The House bill amends subsection (c) of section 6 of the Federal Water Pollution Control Act to provide that if an allotment to a State is not obligated within 6 months after the end of the fiscal year for which it was made because of a lack of approved projects then the Secretary can reallocate those unobligated amounts on a reasonable and equitable basis. These reallocated amounts are to be available for projects approved for grants before the end of the fiscal year following the fiscal year for which the original allotment was made.

The Senate amendment provides for the reallocation of sums allotted to a State not obligated at the end of the fiscal year following the fiscal year for which they were allotted because of a lack of approved projects. The reallocation shall be to those States having approved projects for which grants have not been made because of a lack of funds with the exception that whenever the Surgeon General finds that the need for a project in a community in the State is due in part to Federal institutions or Federal construction activity, he may, before making any reallocation, make an additional allocation to the project which will reflect an equitable contribution for the need caused by the Federal activity.

The conference substitute is essentially the same as the Senate amendment with the exception that the States are given 18 months to obligate their allotment as provided in the House bill, rather than 24 months provided in the Senate amendment. In addition, the conference substitute makes it clear that an additional grant may be made to a project in a State by the Secretary because of a Federal activity in that State only from funds allotted to that State which are subject to reallocation because of a lack of approved projects in that State.

SECTION 5 (D)

The House bill amended subsection (d) of section 6 of the Federal Water Pollution Control Act to increase the amount authorized for grants from \$50 million to \$100 million per fiscal year. The aggregate authorization of such sums is also increased from \$50 million to \$1 billion.

The Senate amendment amended the subsection to provide an authorization of \$70 million for the fiscal year 1962, \$80 million for the fiscal year 1963, \$90 million for the fiscal year 1964, \$100 million for the fiscal year 1965, and \$100 million for the fiscal year 1966. In addition the Senate amendment repealed the restriction in existing law that at least 50 percent of funds appropriated must be granted for treatment works servicing municipalities of 125,000 population or less.

The conference substitute provides authorization of \$80 million for the fiscal year 1962, \$90 million for the fiscal year 1963, and \$100 million for each of the fiscal years 1964 through and including 1967. In addition the conference substitute retains the restriction requiring the use of at least half of the funds appropriated for projects in cities of 125,000 population or less which was repealed by the Senate amendment.

SECTION 7 (A), (B), AND (D)

The House bill provided that pollution of navigable waters would be subject to abatement under the act.

The Senate amendment provided that interstate or navigable waters shall be subject to abatement under the act.

The conference substitute is the same as the Senate amendment.

SECTION 7 (C)

The House bill provides that a conference, initiating Federal enforcement procedures, must be called on the request of (1) the Governor, (2) the State water pollution control agency, or (3) with the concurrence of the State agency governing, the governing body of any municipality, whenever the pollution endangers the health or welfare of persons in a State other than that in which the discharge originates (interstate pollution). The Secretary on his own initiative may call such a conference when he has reason to believe that such interstate pollution is occurring. Such a conference must be called whenever requested by the Governor, the State water pollution control agency, or, with the concurrence of such agency, the governing body of any municipality when pollution is endangering the health or welfare of persons only in the State requesting the conference (intrastate pollution), unless the Secretary determines that the effect of the pollution is not significant enough to warrant the exercise of Federal jurisdiction.

The Senate amendment differs from the House bill in that a conference could be called because of intrastate pollution only upon the request of the Governor of a State.

The conference substitute provides that a conference could be called in the case of interstate pollution upon the request of the Governor, the State water pollution control agency, or, with the concurrence of both the Governor and the State agency, the governing body of any municipality. The Secretary may call such a conference on his own initiative in the case of interstate pollution. The conference substitute provides in the case of intrastate pollution that a conference may be called only when requested by the Governor of a State where the pollution is occurring. In cases involving intrastate pollution the Secretary may refuse to exercise Federal jurisdiction if in his judgment the pollution is not of such significance to warrant the exercise of Federal jurisdiction.

SECTION 7 (E)

The House bill amends subsection (e) of section 8 of the Federal Water Pollution Control Act to provide that the board which under present law conducts the public hearing to make findings whether pollution is occurring and whether effective progress toward abatement is being made shall be formally known as a hearing board. The House bill further amends section 8(e) of existing law to provide that findings and recommendations of the hearing board shall be those of the Secretary except to the extent the Secretary believes other findings or recommendations are warranted. The House bill also authorizes the Secretary to make an order requiring the abatement of pollution, which order shall become final 60 days after its issuance unless an appeal is taken.

The Senate amendment made no changes in the existing law.

The only change in existing law which the conference substitute would make would be to formally designate the board holding the public hearing as a hearing board.

The House bill amends subsection (f) of section 8 of the Federal Water Pollution Control Act to provide a detailed method for appealing an order of the Secretary issued under subsection (e) of section 8 as proposed to be amended by the House bill.

The Senate amendment made no change in existing law.

The conference substitute provides that if pollution is not abated within the time specified in the notice following the public hearing the Secretary of Health, Education, and Welfare may request the Attorney General to bring a suit on behalf of the United

States to secure abatement in the case of interstate pollution; however, in the case of intrastate pollution he may request the institution of such a suit in the name of the United States only with the written consent of the Governor of the State.

The House bill amends subsections (g) and (h) of section 8 of the Federal Water Pollution Control Act to provide for the jurisdiction of the court with respect to orders issued by the Secretary under subsection (e) of such section 8 as proposed to be amended by the House bill.

The Senate amendment made no changes in the existing law.

The conference substitute makes no changes in the existing law in this respect since the conference substitute does not provide authority for the Secretary to issue orders as was the case in the House bill.

SECTION 10

The Senate amendment amends the Water Supply Act of 1958. The House bill contained no such amendment. The present Water Supply Act of 1958 provides authority for the Corps of Engineers and the Bureau of Reclamation to include municipal and industrial water supply capacity in reservoirs under their jurisdiction. The present law provides that not to exceed 30 percent of the total cost of any project may be allocated to anticipated future demands if State or local interests give reasonable assurances that they will contract for the use of storage for anticipated future demands within a period of time which will permit paying out the cost allocated to water supply within the life of the project. The Senate amendment will permit the Federal agency concerned to make its own determination of future water supply needs and, on the basis of such determination, to include capacity in a project without definite contractual commitments from State or local interests.

The conference substitute adopts the provisions of the Senate amendment.

Mr. COOPER. Mr. President, I should like to ask the distinguished Senator from Oklahoma two questions, for the purpose of interpretation.

The conference report extends—in my judgment—the jurisdiction of the Surgeon General. At present, the Surgeon General has enforcement powers over interstate waters. The conference report will extend that definition, so as to apply to navigable waters, as well.

I should like to ask the distinguished Senator from Oklahoma this question: In the event it should be determined that navigable waters include a navigable lake which is wholly within a State, if the Surgeon General instituted an action, would it be necessary for him to secure approval by the Governor of the State, before the Surgeon General could institute an enforcement action in court?

Mr. KERR. Under the bill, the answer is "Yes." Under the law existing prior to this bill, enforcement authority has been limited to interstate waters; and the procedures of enforcement are very clearly set forth in the present law.

Under the bill as it came from the House, the authority of the Surgeon General—and that has been changed, by the way, to the Department of Health, Education, and Welfare—to initiate enforcement proceedings was expanded to include navigable waters. Under the language as it came from the House, an order of the Secretary of Health, Education and Welfare would be effective un-

less appealed from in the U.S. Court of Appeals.

The Senate amended that provision quite drastically limiting the expansion of the enforcement jurisdiction to a situation described as interstate or navigable waters, and provided that, with reference to intrastate waters—such as a navigable lake wholly within a State, as described by the Senator from Kentucky—action by the Department of Health, Education, and Welfare could be taken only upon the request of the Governor of the State in which the intrastate waters were located. Then the procedure would be before a U.S. Federal court.

Mr. CASE of South Dakota. Mr. President, will the Senator yield at that point?

Mr. KERR. I yield to the Senator from South Dakota on this point.

Mr. CASE of South Dakota. I merely want to state for the RECORD that was the clear understanding on the part of the conferees—that if action were sought by anyone with respect to pollution abatement of waters that are wholly within a State, the Secretary of Health, Education, and Welfare's notices or recommendations could be effective only if he had been requested to come into the picture by the Governor. The Governor's request would be necessary before the Secretary of Health, Education, and Welfare could enter into pollution abatement actions where waters are wholly intrastate, including the calling of a conference.

Mr. KERR. Then the procedure would be to seek relief in a court.

Mr. CASE of South Dakota. That is correct.

Mr. COOPER. Mr. President, will the Senator yield for a further question?

Mr. KERR. Yes.

Mr. COOPER. I know the conference report expresses this, but I think it is worth while to ask this question for the RECORD and the information of the Senate. As the bill came from the House, it provided that after the Surgeon General—or, now, the Secretary—had made a decision upon an issue, the case made would be a prima facie case and the appeal would have to be to a circuit court. Is it correct to state that, as the conference report comes before the Senate, any action by the Secretary of Health, Education, and Welfare would be instituted in a U.S. district court?

Mr. KERR. The Senator is correct. The language which the Senator from Kentucky has referred to as being in the bill as it passed the House was deleted by the Senate, and was left out by the conferees.

Mr. COOPER. These matters caused me some concern in the committee. I am glad the Senator has taken good care of them, as he always does.

I am very strongly in support of the bill.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. KERR. I yield to the Senator from South Dakota.

Mr. CASE of South Dakota. The adoption of the conference report will mark the enactment, so far as passage of the bill by Congress is concerned, of

an expanded new Federal Water Pollution Control Act. The purposes of the bill are known to all, and its features will be stressed in various ways by various people.

Some comment has been made in the press that the bill does not go as far in the direction of providing funds for large projects as some people feel it should. On the other hand, it should be noted that the conferees, in reaching their agreement, provided greater amounts for large projects than does the present law when those projects had been taken care of that are under \$250,000 and for which applications have been filed prior to 1 year after the date of enactment of this bill.

We sought by this device not only to accommodate the needs of the larger cities, but also to protect the interests of the smaller communities where 30 percent of the project cost would not exceed \$250,000.

Under that protection, I feel the conference report provides aid to the larger cities as well as protects the smaller communities, and thereby preserves the purposes of the act.

The bill as finally agreed to in conference does not provide as much overall money as some persons had talked about, but on an annual basis the program is very substantial and is considerably larger than it has been in the past. Yet it does respect the situation of the Treasury Department to a certain extent.

The conference agreement was one I felt I could support in view of the many points of view that had to be considered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. KERR. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. CASE of South Dakota. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERR. Mr. President, I wish to say a word in tribute to the members of the Committee on Public Works for the job they did in handling the legislation in committee and on the floor, and to their representatives in conference. The final report is due to the efforts of all members of the committee.

Again I wish to make the record clear that the distinguished Senator from South Dakota [Mr. CASE], the ranking Republican on the committee, lived up to his fine reputation of constructive statesmanship, purposes, and ability to cooperate in handling and improving legislation on a bipartisan basis, and, along with his colleagues, did a fine job. He especially did a great job in the leadership he manifested and in the work he performed.

The distinguished Senator from Utah [Mr. MOSS] had an amendment which was accepted and then retained by the Senate conferees in the conference with the House.

Other Senators on the Democratic side, including the distinguished Presiding Officer at this moment [Mr. METCALF], made a fine contribution to the develop-

ment of this legislation, which, in the judgment of the Senator from Oklahoma, is going to make a tremendous contribution to water conservation, development, pollution abatement, and water quality control in the United States.

Mr. CASE of South Dakota. Mr. President, will the Senator yield before he takes his seat?

Mr. KERR. I yield.

Mr. CASE of South Dakota. I wish to join in what the Senator has said about the bipartisan way in which the bill was handled, and to commend the Senator from Oklahoma for his leadership in this field, which is so closely related to the work of the Select Committee on Water Resources which he headed so ably.

SENATOR BYRD OF VIRGINIA

Mr. WILLIAMS of Delaware. Mr. President, there appears in yesterday's Washington Evening Star an article by Gould Lincoln entitled "Byrd's Flag Is Flying High." I wish to quote two or three sentences from the article:

The people of Virginia believe in Senator BYRD. They respect his honesty and courage. The sweeping victory of a Byrd supported ticket for Governor and other major State offices in Tuesday's primary is just another evidence of that faith.

There are host of Americans, both in and out of the State of Virginia, who will join Gould Lincoln in paying respect to this very able Member of Congress from the State of Virginia. I ask unanimous consent that the entire article be printed in the body of the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BYRD'S FLAG IS FLYING HIGH (By Gould Lincoln)

Rarely has any man so dominated the politics and policies of his State for so long a time as has Senator HARRY FLOOD BYRD of Virginia. The people of Virginia believe in Senator BYRD. They respect his honesty and courage. The sweeping victory of a Byrd supported ticket for Governor and other major State offices in Tuesday's primary is just another evidence of that faith. Senator BYRD's grip on the politics of Virginia and the State government has brought many times a charge of machine politics, of "bossism." But in all the many years of the so-called Byrd machine, the State has been well governed economically and without corruption.

The victory of the Byrd ticket for Governor will be hailed as a victory for conservatism. It will have its repercussions throughout the country, and it will leave Virginia, as it has been for years, in a commanding position as a leader in the South. Certainly, the radical Democrats of the North and the Kennedy frontiersmen can take no joy in the results. Senator BYRD did not say a single word in favor of the election of President Kennedy in the 1960 campaign. His silence was interpreted as opposition to the Democratic presidential candidate. Mr. Kennedy lost Virginia.

The Virginia Senator is no religious bigot. He did not withhold approval of the Kennedy ticket because Mr. Kennedy is a member of the Catholic Church. He withheld his approval because he was strongly opposed to the Democratic national platform and Mr. Kennedy's pledge to go forward with the

program contained in that platform. Back in 1928, when Senator BYRD was Governor of Virginia, he fought hard in the presidential campaign to elect Gov. Alfred E. Smith of New York, the first Catholic ever nominated by a major political party for President of the United States. Governor Smith also was in favor of repeal of national prohibition, a real issue in those days. Despite Governor BYRD's efforts, the State was lost to Herbert Hoover, the Republican candidate.

AGAINST KENNEDY POLICIES

Senator BYRD, who has been on many occasions a lone voice crying in the wilderness of financial irresponsibility by Government, has no use for many of the domestic proposals of the Kennedy administration. He is violently opposed to deficit spending—except when necessary for national defense. He believes that the States, not the Federal Government, should deal with the schools. He has been an advocate of "massive resistance" to the integration of the public schools in Virginia. He is opposed to some of the Kennedy social welfare measures, believing that the States, not Washington and the Federal Government, should see to the welfare of their citizens. The policies he has advocated have been based on principle, not on partisan politics.

Had the Tuesday primary election seen the defeat of the Byrd ticket, it would have been called a defeat for Senator BYRD and the principles he advocates. His influence and prestige in the Senate would have been marred even though he himself was not on the ticket.

Senator BYRD is a Democrat. He has never announced support of a Republican candidate, either for the Presidency or for office in Virginia. In 1952 he went so far as to say he could not support Adlai Stevenson, the Democratic nominee for President. In 1956 he remained silent when Mr. Stevenson was again nominated, and in 1960 the Senator again said nothing about the presidential race. In all three presidential elections, Virginia was carried by the Republican candidates.

GOVERNOR AT 38

Born in 1887, Senator BYRD was elected to the State senate in 1915 when he was 28 years old. He was 38 years old when he was chosen Governor, to serve a 4-year term extending from 1926 to 1930. As Governor, he immediately made his mark. He became a political power of major proportions. Three years later, he was appointed to the Senate to fill a vacancy caused by the resignation of Senator Claude Swanson. He later was elected to fill out the Swanson term in the Senate and has been a member of the Senate ever since.

Senator BYRD's friendship has been sought and valued by many Presidents. His personal relations with President Kennedy are very friendly. Indeed, President Kennedy flew last spring in a helicopter to land on the lawn of Senator BYRD's home at Berryville to attend a luncheon party. But Senator BYRD's personal friendship for Mr. Kennedy, with whom he served in the Senate for 8 years, does not affect the Virginian's theories of government and financing.

There were many conflicting angles involved in the primary election won by the Byrd organization. The outcome, however, reflects the conservative viewpoint of Virginia voters. The opposition ticket, which drew a very considerable vote, pulled out all the stops in its fight to overthrow the Byrd control. An amazing feature of the primary, in view of the hard campaign and great publicity, was the small turnout of voters. Although more than a million qualified voters are on the rolls, only 350,000 went to the polls. The Republicans, of whom there is an increasing number in the State, are included in the million qualified to vote. It had been expected, however, that some 375,000 to 400,000 voters would cast their ballots.

The Democratic nomination for Governor in Virginia has been tantamount to election. There seems no reason to challenge that precedent, although the GOP will have a candidate in the field in November.

TRIBUTE TO DEAN ERNEST C. MARRINER

Mrs. SMITH of Maine. Mr. President, one of the most outstanding citizens of Maine, Dean Ernest C. Marriner, of Waterville, Maine, a prominent educator and former dean of the faculty of Colby College, recently made his 500th 15-minute broadcast on radio station WTVL of Waterville, Maine.

This program—which is 13 years old—is undoubtedly the most popular local radio program in the State of Maine. It is the oldest Maine radio program in Maine with the same sponsor. More than that, it is the oldest in New England.

I think that a true measure of the great public service of this program and its tremendous popularity is in the fact that it has had the same sponsor from the very beginning—the Keyes Fibre Co.

But this is not surprising in any manner to me—because I have been privileged to know Dean Marriner for many, many years. I have never known a finer person. I have never had a friend of whom I was more proud than Dean Ernest C. Marriner.

I have never known anyone in my life who was more respected and for whom there was greater deep affection than that which the people of Maine have for Dean Marriner.

I ask unanimous consent that his 500th broadcast be printed in the body of the CONGRESSIONAL RECORD, together with an account in the May 20, 1961, Waterville Morning Sentinel about this broadcast and program and a biography of Dean Marriner.

There being no objection, the article, account, biography, and broadcast were ordered to be printed in the RECORD, as follows:

MARRINER WILL PRESENT HIS 500TH BROADCAST (By Everett Webb)

Thirteen years ago—it was in the fall of 1948—Dean Ernest C. Marriner agreed, although somewhat hesitantly, to fill in on a 15-minute WTVL (Waterville) radio program for "3 or 4 weeks."

Sunday the popular Dean Marriner will present his 500th broadcast. During the past 13 years, the current historian at Colby College has compiled an enviable record.

At the same time, he was given central Maine an insight into the colorful past of Waterville, Kennebec County, Somerset County, and other sections of Maine.

"Little Talks on Common Things," which is the name of his 15-minute Sunday night chats, has covered such interesting history as the covered bridges of Maine, the narrow-gauge railroads, the Abnaki Indians of Waterville, Waterville's first murder, the Coolidge murder, oldtime doctors hereabout, and unnumbered other tidbits of days gone by, including Maine's famous racehorses.

And through it all only one sponsor has ever been associated with the program. Keyes Fibre Co. of Waterville first sponsored the programs on the dean's third broadcast. They are still the sponsors.

To honor Dean Marriner for achieving 500 programs on the air, the Kennebec Broadcasting Co. and the Keyes Fibre Co. presented him an 18-carat gold-plated 16-inch record.

Marriner proudly points to the fact that his is the oldest Maine radio program in Maine with the same sponsor. It is also the oldest in New England.

He is also proud that his sponsors do not ever interrupt during his program for commercials. The only mention of the sponsor is in the introduction and at the end of the program.

Marriner Wednesday related how the program had its origin.

He said that Carleton Brown, who is a neighbor of Marriner and president of the Kennebec Broadcasting Co., stopped him one day in the fall of 1948.

Brown said, "Couldn't you give me something to fill in for a few weeks?"

He explained, according to the dean, that it would only be for a few weeks.

Brown said he was looking for a program "that would be meaningful" to follow the Drew Pearson program, which was on the air from 6 to 6:15 p.m.

"I didn't care what he talked about, as long as he would talk," Brown said. He compared the dean's voice to that of the late President Franklin D. Roosevelt, and said that the dean reminded him of the time when F.D.R. had his fireside chats.

Brown added that he told Marriner, "Before you start, I want you to come downtown to the corner of Temple and Main Streets and watch the people getting on and off the Oakland bus. Prepare yourself to talk to those people, because they are the ones you'll be talking to."

The dean did just that.

After Marriner had agreed to do the broadcast, Brown called him one day and asked, "What are you going to talk about?"

The dean replied, "Little Talks on Common Things." And the first broadcast was just that. He discussed the birth of a baby.

Marriner states that since his third broadcast he has never had to do any digging and research for his programs. And a look at his library would explain the reason. People who listen to the program offer him items, historical information, articles of days gone by, and through these contributions comes the materials for his 15 minutes each Sunday.

The only break in the series is during the summer, when he takes his vacation. But every September he resumes and continues through each June.

How was the sponsor obtained? Before the third program, back in 1948, Brown and Marriner went to visit the late Wallace Parsons, then president of the Keyes company, and Ralph Cutting, current president of the firm, to discuss the possibility of sponsoring the program. Brown said it was stressed that it was a quality program and that it was not designed to sell "products but to sell good will."

In his collection, accumulated over the years, are numerous items of value, many irreplaceable. They all have a tie-in with the past in Maine.

The program also made possible the two books published by the dean, one entitled "Kennebec Yesterdays" and the second "Remembered Maine."

Marriner is former dean of the faculty at Colby College and is chairman of the board of trustees of the Waterville Public Library.

Among his most highly prized possessions are a copy of Maine's first newspaper, the Falmouth Gazette of 1785 (vol. 1, No. 1); and a copy of the Boston Gazette of March 12, 1770, containing the earliest first hand-printed account of the Boston Massacre.

BIOGRAPHY OF ERNEST CUMMINGS MARRINER, HISTORIAN

Ernest Cummings Marriner was born October 16, 1891, in Bridgton. The son of Wyllis and Margie Whitney Marriner, he graduated from Bridgton High School in 1909 and from Colby College in 1913.



Public Law 87-88
87th Congress, H. R. 6441
July 20, 1961

An Act

To amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 1(a) of the Federal Water Pollution Control Act (33 U.S.C. 466(a)) is amended to read as follows: "To this end, the Secretary of Health, Education, and Welfare (hereinafter in this Act called the 'Secretary') shall administer this Act." Federal Water Pollution Control Act Amendments of 1961. 70 Stat. 498.

(b) Sections 2, 3, 4, 5, 6, 7, and 8(c) (3), and the first sentence of section 10(a), of such Act are each amended by striking out "Surgeon General" and "Surgeon General's" wherever they appear therein and inserting in lieu thereof "Secretary" and "Secretary's", respectively. 33 USC 466a-466g, 466i.

(c) Sections 4(a) and 7(c) of such Act are each amended by striking out "Public Health Service" and inserting in lieu thereof "Department of Health, Education, and Welfare".

(d) Sections 7(a) (2) (B) and 10(b) of such Act are each amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary".

(e) Section 10(a) of such Act is amended by striking out the second and third sentences thereof.

SEC. 2. Section 2 of the Federal Water Pollution Control Act is amended by inserting "(a)" after "SEC. 2." and by inserting at the end of such section the following:

"(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source. Water quality control.

"(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage. Storage.

"(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

"(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable." 75 STAT. 204.
75 STAT. 205.

SEC. 3. (a) The proviso in paragraph (4) of subsection (a) of section 4 of the Federal Water Pollution Control Act is amended to read as follows: "Provided, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph;" Report to Congress.

(b) Section 4 of such Act is further amended by inserting at the end thereof the following new subsections: Research, etc.

"(d) (1) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary) :

“(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation’s water at a quality suitable for repeated reuse;

“(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

“(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

Appropriation.

“(2) For the purposes of this subsection there is authorized to be appropriated not more than \$5,000,000 for any fiscal year, and the total sum appropriated for such purposes shall not exceed \$25,000,000.

“(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the mid-western area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

“(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.”

Grants to
States, etc.

SEC. 4. (a) Subsection (a) of section 5 of the Federal Water Pollution Control Act is amended by inserting immediately following “June 30, 1961, \$3,000,000” the following: “, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1968, \$5,000,000”.

75 STAT. 205.

75 STAT. 206.

(b) Subsection (f) of section 5 of the Federal Water Pollution Control Act is amended by striking out “and” at the end of paragraph (4) thereof, by striking out the period at the end of paragraph (5) thereof and inserting in lieu thereof the following: “; and”, and by adding after such paragraph (5) the following new paragraph:

“(6) sets forth the criteria used by the State in determining priority of projects as provided in section 6(b)(4).”

Effective
dates.

(c) The amendment made by subsection (a) of this section shall take effect July 1, 1961.

(d) The amendment made by subsection (b) of this section shall take effect July 1, 1962.

Limitations.

SEC. 5. (a) Clause (2) of subsection (b) of section 6 of the Federal Water Pollution Control Act is amended to read as follows: “(2) except as otherwise provided in this clause, no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary, or in an amount exceeding \$600,000, whichever is the smaller: *Provided*, That the grantee agrees to pay the remaining cost: *Provided further*, That, in the case of a project which will serve more than

one municipality (A) the Secretary shall, on such basis as he determines to be reasonable and equitable, allocate to each municipality to be served by such project its share of the estimated reasonable cost of such project, and shall then apply the limitations provided in this clause (2) to each such share as if it were a separate project to determine the maximum amount of any grant which could be made under this section with respect to each such share, and the total of all the amounts so determined or \$2,400,000, whichever is the smaller, shall be the maximum amount of the grant which may be made under this section on account of such project, and (B) for the purpose of the limitation in the last sentence of subsection (d), the share of each municipality so determined shall be regarded as a grant for the construction of treatment works;"

(b) Subsection (b) of such section 6 is further amended by striking out "and" at the end of clause (3) and by inserting before the period at the end of clause (4): "; and (5) no grant shall be made under this section for any project in any State in an amount exceeding \$250,000 until a grant has been made thereunder for each project in such State (A) for which an application was filed with the appropriate State water pollution control agency prior to one year after the date of enactment of this clause and (B) which the Secretary determines met the requirements of this section and regulations thereunder as in effect prior to the date of enactment of this clause".

(c) The third sentence of subsection (c) of such section 6 is amended to read as follows: "Sums allotted to a State under the preceding sentence which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b) (1) of this section and certified as entitled to priority under subsection (b) (4) of this section, shall be reallocated by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallocation under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second and third sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section."

Reallocation
of unobligated
sums.

Special
provisions.

75 STAT. 206.
75 STAT. 207.

(d) Subsection (d) of such section 6 is amended to read as follows: "(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of \$50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, \$80,000,000 for the fiscal year ending June 30, 1962, \$90,000,000 for the fiscal year ending June 30, 1963, \$100,000,000 for the fiscal year ending June 30, 1964, \$100,000,000 for the fiscal year ending June 30, 1965, \$100,000,000 for the fiscal year ending June 30, 1966, and \$100,000,000 for the fiscal year ending June 30, 1967. Sums so appropriated shall remain available until expended: *Provided,* That at least 50 percent of the

Appropriations.

Restriction.

funds so appropriated for each fiscal year shall be used for grants for the construction of treatment works servicing municipalities of 125,000 population or under."

Rate of wages
for laborers
and mechanics.

(e) Section 6 is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a-5)."

Water Pollution
Control Advisory
Board.

SEC. 6. (a) The first sentence of subsection (a)(1) of section 7 of the Federal Water Pollution Control Act is amended to read as follows: "There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees."

(b) The first sentence of subsection (a)(2)(A) of such section 7 is amended by inserting before the period at the end thereof: ", and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective".

(c) Members of the Water Pollution Control Advisory Board (established pursuant to section 7(a) of the Federal Water Pollution Control Act as in effect prior to enactment of this Act) serving immediately before the date of enactment of this Act shall be members of the Water Pollution Control Advisory Board, established by the amendment made by subsection (a) of this section, until the expiration of the terms of office for which they were appointed.

33 USC 466g.

SEC. 7. (a) Subsection (a) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

75 STAT. 207.

75 STAT. 208.

"ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR
NAVIGABLE WATERS

"SEC. 8. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act."

(b) Subsection (b) of such section 8 is amended by striking out "interstate waters" and inserting in lieu thereof "interstate or navigable waters".

(c) Paragraph (1) of subsection (c) of such section 8 is amended to read as follows:

Notification
of pollution.

"(c)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such

discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring."

Conference
of State and
interstate
agencies.

(d) Paragraph (3)(A) of subsection (c) of such section 8 is amended by striking out "interstate" and inserting in lieu thereof "interstate or navigable".

(e) Subsections (d), (e), and (f) of such section 8 are amended to read as follows:

"(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

Remedial
action.

"(e) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter

Public
hearing.

75 STAT. 208.
75 STAT. 209.

Hearing
Board.

Notice of
hearing.

causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

Enforcement
action.
Authority.

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

"(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution."

Per diem
allowances.

(f) Subsection (h) of such section 8 is amended to read as follows:

"(h) Members of any Hearing Board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

60 Stat. 808.

Definitions.

"(i) As used in this section the term—

"(1) 'person' includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

75 STAT. 209.

75 STAT. 210.

"(2) 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law."

Discharges from
Federal install-
ations.

SEC. 8. Section 9 of the Federal Water Pollution Control Act is amended by adding at the end thereof the following new sentences:

"In his summary of any conference pursuant to section 8(c)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 8(e) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board."

33 USC 466j.

SEC. 9. Section 11 of the Federal Water Pollution Control Act is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

Definitions.

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"(e) The term 'interstate waters' means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters."

SEC. 10. Section 301(b) of the Water Supply Act of 1958 (72 Stat. 319), is amended by striking out all beginning with "*Provided*," in the first proviso to the colon at the end of the second proviso and inserting in lieu thereof the following: "*Provided*, That the cost of any construction or modification authorized under the provisions of this section shall be determined on the basis that all authorized purposes served by the project shall share equitably in the benefits of multiple purpose construction, as determined by the Secretary of the Army or the Secretary of the Interior, as the case may be: *Provided further*, That before construction or modification of any project including water supply provisions for present demand is initiated, State or local interests shall agree to pay for the cost of such provisions in accordance with the provisions of this section: *And provided further*, That not to exceed 30 per centum of the total estimated cost of any project may be allocated to anticipated future demands where State or local interests give reasonable assurances, and there is reasonable evidence, that such demands for the use of such storage will be made within a period of time which will permit paying out the costs allocated to water supply within the life of the project".

Water Supply
Act of 1958,
amendment.
43 USC 390b.
Construction
costs, pay-
ments.

Agreements.

Future
demands.

SEC. 11. This Act may be cited as the "Federal Water Pollution Control Act Amendments of 1961".

Short
title.

Approved July 20, 1961, 12:25 p.m.

